FEDERAL REGISTER

VOLUME 7 NUMBER 111

Washington, Saturday, June 6, 1942

Regulations

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 79a—ARMY SPECIALIST CORPS REGULATIONS

PHYSICAL EXAMINATION AND STANDARDS

Section 79a.37[1] (b) and (c) is hereby amended to read as follows:

§ 79a.37 *Physical examination and standards* * * *

(b) *Form used.* (1) W.D., A.G.O. Form No. 63 (Report of Physical Examination) will be used in reporting physical examinations. Form will be clearly marked to show that the examination is for appointment in the Army Specialist Corps.

(2) The following certificate will be completed and appended to the W.D., A.G.O. Form No. 63:

I certify that I have carefully examined the applicant and have correctly recorded the results of the examinations; and that to the best of my judgment and belief,* (1) he is mentally and physically qualified for duties involving _____ (*arduous, moderate, or light*) physical exertion; *(2) he is physically or mentally unsuitable for service in the Army Specialist Corps by reason of_____

_____

*Line out either (1) or (2) whichever does not apply.

(c) *Physical standards.* Subject to the following provisions, the minimum physical requirements for appointment in the Corps will be the same as those prescribed in mobilization regulations for limited military service (class 1-B standards).

(1) *Provision No. 1.* No individual will be accepted who has a physical defect which, in the opinion of the examiners, renders the applicant unsuitable for the type of work (arduous, moderate, or light) which he is expected to perform.

(2) *Provision No. 2.* In exceptional cases an applicant may fall below the standards prescribed in mobilization regulations for limited service (class 1-B), and yet be considered by the medical examiners as suitable for the type of work for which he is applying. In such cases waivers of the defects may be recommended. All reports of physical examinations for appointment will be forwarded in duplicate by the medical examiners direct to the requisitioning agency which requested the report. (R.S. 161; 5 U.S.C. 22) [Par. 42*b* and *c*, Army Specialist Corps Regulations (Tentative) March 24, 1942, as amended by C-3, May 20, 1942]

* * * * *

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-5265; Filed, June 5, 1942; 9:47 a. m.]

[1] 7 F.R. 3920.

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regulations, Serial No. 220]

PART 20—PILOT CERTIFICATES

WAIVER OF INSTRUMENT COMPETENCY REQUIREMENTS FOR SECOND PILOTS OF HAWAIIAN AIRLINES LIMITED

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 30th day of May, 1942.

Whereas, by application dated May 8, 1942, Hawaiian Airlines Limited, has requested a waiver of certain Civil Air Regulations, relating to the instrument competency of second pilots in scheduled air transportation, and it appearing that:

1. Radio ranges in the Territory of Hawaii were inoperative from December 7, 1941, to May 15, 1942, because of military necessity; and

2. Hawaiian Airlines Limited, cannot now obtain properly qualified pilots with instrument ratings to act in the capacity of second pilots;

The Board finds that its action is necessary to promote the war effort;

Now, therefore, the Civil Aeronautics Board, acting pursuant to the authority vested in it by the Civil Aeronautics Act

CONTENTS

REGULATIONS

(Continued on next page)

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

CONTENTS—Continued

NOTICES

CONTENTS—Continued

of 1938, as amended, particularly sections 205 (a), 601, and 602 of said Act, makes and promulgates the following special regulation, effective immediately:

1. Notwithstanding the provisions of § 20.614 of the Civil Air Regulations, a certificated commercial pilot not possessed of an instrument rating, employed by Hawaiian Airlines Limited, as a second pilot, may pilot aircraft carrying persons or property in scheduled day air transportation service pursuant to contact flight rules until sundown, August 31, 1942.

2. Notwithstanding the provisions of the last sentence of § 40.262 of the Civil Air Regulations, Hawaiian Airlines Limited, may employ as second pilot in scheduled day air transportation service pursuant to contact flight rules a person, otherwise qualified, who is not possessed of a valid instrument rating or airline transport pilot competency rating, until sundown, August 31, 1942.

3. Notwithstanding the provisions of § 61.522 of the Civil Air Regulations, it shall not be necessary until sundown, August 31, 1942, for any person employed as a second pilot by Hawaiian Airlines Limited, to have his log-book certified that he is capable of flying by instruments and has demonstrated such fact to either a first pilot, check pilot, or to the chief pilot of the air carrier.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN, *Secretary.*

[F. R. Doc. 42-5291; Filed, June 5, 1942; 11.53 a. m.]

[Regulations, Serial Number 225]

PART 238—CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

TERMS, CONDITIONS, AND LIMITATIONS OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

At a session of the Civil Aeronautics Board held at its office in the City of Washington, D. C., on the 29th day of May 1942.

The Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 401 (f) thereof, and deeming its action necessary to carry out the provisions of said Act and to exercise its powers and perform its duties thereunder, hereby makes and promulgates the following regulation:

Effective June 10, 1942, § 238.3 of the Economic Regulations is hereby amended by adding at the end of Part I of said section the following paragraph:

§ 238.3 *Terms, conditions and limitations of public convenience and necessity issued under section 401 of the Act.* * * *

(a) Subject to the provisions of section 405 (e) of the Act, non-stop service may be inaugurated between any two points at any time without the filing of the notice herein prescribed if, during the period from June 1, 1941, to May 31, 1942, inclusive, non-stop service was regularly scheduled by such holder between such points during a period of at least 10 days. This authorization shall remain in effect during the present war and thereafter until the Board shall by order declare the authorization terminated.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN, *Secretary.*

[F. R. Doc. 42-5290; Filed, June 5, 1942; 11:52 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4665]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

FAIRMOUNT MERCHANDISE COMPANY, ETC.

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (r) *Advertising falsely or misleadingly—Prices—Terms and conditions.* In connection with offer, etc., in commerce, of clothing, and among other things, as in order set forth, (1) using the term "silk" or any other term or terms of similar import or meaning indicative of silk to describe or designate any garment which is not composed wholly of silk, the product of the cocoon of the silkworm; and (2) representing that any garment may be purchased for ten cents or any other sum, when in fact such garment may be purchased at the price mentioned only in lots of more than one, without clearly disclosing the number of garments which must be purchased to obtain said garments for ten cents or any other sum each; prohibited, subject to proviso, however, as respects said first prohibition, that in the case of a garment composed in part of silk and in part of materials other than silk, such term or terms may be used as descriptive of the silk content if there are used in immediate connection or conjunction therewith in letters of at least equal size and conspicuousness words truthfully describing and designating each constituent fiber thereof. (Sec. 5, 38 Stat. 719, as amended

by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Fairmount Merchandise Company, etc., Docket 4665, June 1, 1942]

§ 3.6 (c 5) *Advertising falsely or misleadingly—Condition of goods:* § 3.6 (o) *Advertising falsely or misleadingly—Old as new:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (y 5) *Advertising falsely or misleadingly—Sample, offer or order conformance:* § 3.6 (cc) *Advertising falsely or misleadingly—Source or origin—History:* § 3.72 (m 10) *Offering deceptive inducements to purchase—Sample, offer or order conformance.* In connection with offer, etc., in commerce, of clothing, and among other things, as in order set forth, (1) representing that old, used, worn or secondhand garments are new; (2) representing that garments secured from sources other than bankrupt estates have been obtained from companies or individuals in bankruptcy; and (3) representing that garments not in a wearable physical condition, not of a current mode for the type of article sold, or not of the size indicated by the purchaser are suitable for wear, and from including in the fulfilment of any order for garments represented as suitable for wear, any garment which is not in such condition and of such a style as to be wearable by the purchaser without change or alteration or which is not of the size ordered by the purchaser; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Fairmount Merchandise Company, etc., Docket 4665, June 1, 1942]

§ 3.6 (w) *Advertising falsely or misleadingly—Refunds, repairs and replacements:* § 3.6 (ff 5) *Advertising falsely or misleadingly—Undertakings, in general:* § 3.72 (k 15) *Offering deceptive inducements to purchase—Returns and reimbursements:* § 3.72 (p) *Offering deceptive inducements to purchase—Undertakings, in general.* In connection with offer, etc., in commerce, of clothing, and among other things, as in order set forth, (1) representing that refunds will be made to purchasers without delay, expense or inconvenience to the purchaser unless and until respondent establishes and maintains the uniform practice of making all refunds in such manner, and from failing to make any refunds so represented, without expense and without unusual delay and without unusual inconvenience to the purchaser; and (2) representing that garments ordered will be delivered within a reasonable time or without inconvenience or expense to the purchaser unless and until respondent establishes and maintains the uniform practice of making all deliveries in such manner, and from failing to deliver garments so represented without expense, to the purchaser, within a reasonable time, and without unusual inconvenience to the purchaser; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b)

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 1st day of June, A. D. 1942.

In the Matter of S. Reiffe & Sons, Inc., a Corporation, Individually and Doing Business Under the Trade Names Fairmount Merchandise Company and Crown Mail Order Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that it waives all intervening procedure and further hearing as to said facts and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent S. Reiffe & Sons, Inc., a corporation, individually and doing business under the trade names Fairmount Merchandise Company and Crown Mail Order Company, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of clothing in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using the term "silk" or any other term or terms of similar import or meaning indicative of silk to describe or designate any garment which is not composed wholly of silk, the product of the cocoon of the silkworm: *Provided, however,* That in the case of a garment composed in part of silk and in part of materials other than silk, such term or terms may be used as descriptive of the silk content if there are used in immediate connection or conjunction therewith in letters of at least equal size and conspicuousness words truthfully describing and designating each constituent fiber thereof;

(2) Representing that any garment may be purchased for ten cents or any other sum, when in fact such garment may be purchased at the price mentioned only in lots of more than one, without clearly disclosing the number of garments which must be purchased to obtain said garments for ten cents or any other sum each;

(3) Representing that old, used, worn or secondhand garments are new;

(4) Representing that garments secured from sources other than bankrupt estates have been obtained from companies or individuals in bankruptcy;

(5) Representing that garments not in a wearable physical condition, not of a current mode for the type of article sold, or not of the size indicated by the purchaser are suitable for wear, and from including in the fulfilment of any order for garments represented as suitable for wear, any garment which is not in such condition and of such a style as to be wearable by the purchaser without change or alteration or which is not of the size ordered by the purchaser;

(6) Representing that refunds will be made to purchasers without delay, expense or inconvenience to the purchaser unless and until respondent establishes and maintains the uniform practice of making all refunds in such manner, and from failing to make any refunds so represented, without expense and without unusual delay and without unusual inconvenience to the purchaser;

(7) Representing that garments ordered will be delivered within a reasonable time or without inconvenience or expense to the purchaser unless and until respondent establishes and maintains the uniform practice of making all deliveries in such manner, and from failing to deliver garments so represented without expense, to the purchaser, within a reasonable time, and without unusual inconvenience to the purchaser.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 42-5277; Filed, June 5, 1942; 11:10 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Commission

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

RESCISSION OF REQUIREMENTS FOR CERTAIN ANNUAL REPORTS BY FUTURES COMMISSION MERCHANTS

By virtue of the authority vested in the Secretary of Agriculture by the Commodity Exchange Act (42 Stat. 998, as amended; 7 U.S.C. 1940 ed. 1–17a), § 1.17 of part 1, chapter I, title 17, Code of Federal Regulations (17 CFR 1.17, as amended, 5 F.R. 4076), is hereby rescinded.

Done at Washington, D. C., this 3d day of June 1942. Witness my hand and seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD, *Secretary of Agriculture.*

[F. R. Doc. 42-5255; Filed, June 4, 1942; 12:53 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Order No. 339]

PART 303—REPORTS AND RECORDS

CUMULATIVE MONTHLY REPORTS OF COST AND TONNAGE DATA

An order requiring cumulative monthly reports of cost and tonnage data for all mines having a present actual daily capacity of fifty (50) net tons or more, and for all mines with rail or river connections, regardless of capacity.

Pursuant to the provisions of section 10 (a) of the Bituminous Coal Act of 1937, it is ordered, That Part 308 is amended by adding thereto § 308.28 as follows:

§ 308.28 *Cost reports; mines with daily capacity of fifty (50) tons or more; mines with rail or river connections, regardless of capacity.* (a) Each producer of bituminous coal, whether or not a code member, and whether or not engaged in commerce in coal which is subject to the provisions of Section 4 of the Bituminous Coal Act of 1937, whose mine or mines have a present actual daily capacity of fifty (50) net tons or more, or have rail or river connections, regardless of the daily capacity of such mine or mines, shall file complete reports[1] of the total costs of the tonnage produced at each such mine, and such other data relating to production tonnage, as hereinafter provided.

(b) Said reports shall be filed at the office of the statistical bureau of the Division for the district in which the reporting mine is located, within the time hereinafter prescribed.

(c) Commencing with the month of January 1942, monthly reports shall be made on and in conformity with "Form B.C.D. No. 288 (Revised May 1942) Cost Form No. 5," and except as hereinafter specified, in conformity with the "Manual of Instructions for Compiling Reports on Cost and Production Tonnage, Cost Form No. 4," except as amended below, which Manual was adopted by the Division on March 12, 1940, and was by reference incorporated in and made a part of § 308.6. The Manual dated March 12, 1940, is hereby amended in respect of items 6b, mining, 10b, corporate, privilege, and severance taxes and sales taxes not paid by consumer, and 10j, depletion, for the purpose of making necessary changes in the instructions; and in respect of items 1, 6c, 6d, 6e, 10c, 10d, 10e, 10f, 10g, 10h, 10i, 10-l, and 10m for the limited purpose of changing item numbers; 15a through 16, selling cost schedule, and 19 through 27, production tonnage schedule, to agree with a new classification of accounts; and for the purpose of incorporating instructions relating to items of cost not heretofore shown separately on the cost report form, all as more particularly described in "Revision of Manual of Instructions for Compiling Reports on Cost and Production Tonnage, Cost Form No. 5," adopted concurrently with the signing of this Order and by this reference incorporated herein and made a part of this section. Copies of the "Revision of Manual" are available at the field offices of the Division or at its Washington office, 734 15th Street, N. W.

(d) A separate report shall be made for each mine. The report for each month of the year 1942 shall include all cost and tonnage data, not only for the single month period but also data which are cumulative from January 1, 1942, and each monthly report made during each succeeding calendar year shall likewise be cumulative from the first day of such calendar year.

(e) Separate reports for the months of January, February, March, April, and May 1942 shall be filed on or before July 15, 1942. The reports for the month of June 1942 and for succeeding months shall be filed on or before the last day of the month following the month covered by the report.

(f) A report shall be filed for each mine which was maintained or operated during any part of the calendar year: *Provided, however,* That when a mine is permanently closed, dismantled, or abandoned, the Acting Director may, upon a showing of such facts, authorize the discontinuance of further reports.

(g) In the case of any mine which is not in operation in any part of the calendar year, such fact shall be shown on the report and only such data as will show the cost of ownership and of maintenance shall be reported.

(h) In the case of any mine whose costs are not considered by the producer to be normal operating costs, by reason of the fact that the mine is in the development stage, or in the process of rehabilitation, or dismantling, such facts shall be reported.

(i) Each report shall be certified as being correct by the producer, if an individual, or by a member of the firm, if a partnership, or in the case of a corporation, by a responsible officer thereof who is familiar with the facts, except that the report for the month of December of each calendar year shall be submitted under oath. (Sec. 10 (a); 50 Stat. 88; 15 U.S.C. § 840 (a)).

Dated: May 30, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5283; Filed, June 5, 1942; 11:18 a. m.]

[1] These reports need not be filed in duplicate.

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Division of Industry Operations

PART 1001—TIN

[Conservation Order M-43-a, as Amended June 5, 1942]

Section 1001.2 *Conservation Order M-43*[1]*-a* as heretofore amended, is hereby further amended to read as follows:

§ 1001.2 *Conservation Order M-43-a*—(a) *Prohibitions on use of tin in items appearing on list A.* No tin shall be used in the manufacture of any item appearing on List A.

(b) *Limitations on other uses of tin*—(1) *General restrictions.* From April 1 to June 30, 1942, inclusive, no person shall use in the manufacture of any article not on List A more than 40% of the amount of tin used by him in the manufacture of such article during the corresponding calendar quarter of 1940, and beginning July 1, 1942, no person shall in any calendar quarter use in the manufacture of any article not on List A more than 30% of the amount of tin used by him in the manufacture of such article during the corresponding calendar quarter of 1940. Each person shall fill orders for repair and replacement parts for articles not on List A in preference to orders for complete articles whenever the provisions of this paragraph (b) (1) prevent him from doing both.

(2) *Special restrictions.* In addition to the limitation contained in paragraph (b) (1), hereafter no person shall, unless specifically authorized by the Director of Industry Operations:

(i) Use tin in the manufacture of any article where or beyond the extent to which the use of any substitute material is practicable, or use virgin tin in the manufacture of any article where or beyond the extent to which the use of secondary tin metal is practicable;

(ii) Manufacture or use any tin alloy (other than solder) having a tin content of more than 12% by weight;

(iii) Manufacture or use any solder having a tin content of more than 30% by weight; provided that any person may manufacture or use solder having a tin content of not more than 40% by weight for the repair of gas meters, and provided further that, until July 1, 1942, any person may use wiping solder having a tin content of not more than 38% by weight;

(iv) Manufacture any material having a tin content of more than 7½% by weight for use in collapsible tubes;

(v) Use any virgin tin in the manufacture or treating of type metal;

(vi) Manufacture any terne metal except for use as permitted by the provisions of Supplementary Order M-21-e.

(vii) On and after July 1, 1942, manufacture or use any tin oxide except in the fulfillment of purchase orders to which a preference rating of A-1-k or higher shall have been assigned by preference rating order or certificate duly issued or extended to the manufacturer or supplier.

(3) *Restrictions on manufacturing jewelers.* No manufacturing jeweler shall for the purpose of manufacturing jewelry, emblems, insignia, personal ornaments, ornamental fittings, jewelry findings or jewelry chains, or any component parts thereof, fabricate, assemble, melt, cast, extrude, roll, turn, spin, coat or process in any other way, or in any way change the form of or add or solder any metal to, any tin metal or tin bearing material to which no other metal had been added or soldered by February 14, 1942.

(c) *Exceptions*—(1) *Exceptions to paragraph (b) (1) only.* Where and to the extent the use of any substitute material is impracticable, the provisions, limitations, and restrictions contained in paragraph (b) (1) shall not apply:

(i) To the manufacture of any product which is being produced with the assistance of a preference rating order

[1] 7 F.R. 2127, 2629, 2630, 2759.

or certificate issued or extended to the manufacturer, which assigns a rating of A–1–k or higher; or

(ii) To bearing metal which is being produced with the assistance of a preference rating order or certificate issued or extended to the manufacturer, which assigns a rating of A–3 or higher;

(iii) To the production of tin plate and terne plate as permitted under the provisions of Supplementary Order M–21–e.

(iv) To the use of solder (as limited in tin content by paragraph (b) (2) (iii)) for cans and containers within the provisions and limitations of Conservation Orders M–81 and M–86.

(2) *Exceptions to paragraphs (b) (1) and (b) (2).* The prohibitions, limitations, and restrictions contained in paragraphs (b) (1) and (b) (2) shall not apply:

(i) To the manufacture of "implements of war", as hereinafter defined, which are being produced for purchase by or for the account of the Army or Navy of the United States, the United States Maritime Commission, or the Coast Guard, where the use of tin to the extent employed is required by the specifications (including performance specifications) of the Army or Navy of the United States, the United States Maritime Commission or the Coast Guard applicable to the contract, sub-contract or purchase order.

"Implements of war" means:

(*a*) Combat end products, complete for tactical operations, including but not limited to, aircraft, ammunition, armament and weapons, ships, tanks, vehicles;

(*b*) Individual and organizational equipment prescribed for field or combat use by the Army or Navy of the United States, the Coast Guard, or the United States Maritime Commission;

(*c*) Parts, assemblies and materials to be physically incorporated in any of the foregoing items.

(ii) To the manufacture or use of tinned wire for the packaging of food for human consumption, where such wire will be in direct contact with the food packaged, but only to the extent that any substitute for tin is impracticable;

(iii) To the manufacture of health supplies as defined in Preference Rating Order P–29, as the same may be amended, to the extent a preference rating of A–10 or higher is assigned under said order to deliveries of tin (excluding tin collapsible tubes except as permitted by Conservation Order M–115) for the manufacture of any such supplies;

(iv) To the manufacture or use of collapsible tubes as permitted by the provisions of Conservation Order M–115.

(v) To the use of secondary tin metal in plates and type metal for the printing, publishing and related service industries: *Provided,* That beginning July 1, 1942, the amount of secondary metal so used by any person during any calendar quarter shall be limited to 75% of the amount used by him for such purposes during the corresponding calendar quarter of 1940;

(vi) To the use of solder or solder foil in the preparation and manufacture of printing plates: *Provided,* That the tin content of such solder and solder foil, respectively, shall be limited to 30% by weight: *And provided further,* That beginning July 1, 1942, no person shall use more solder or solder foil for such purposes during any calendar quarter than 75% of the quantities, respectively, so used by him during the corresponding calendar quarter of 1940;

(vii) To the use of soft babbitt foil for the preparation of industrial metallic packings: *Provided,* That the tin content of such foil shall not exceed 1.5% by weight: *And provided further,* That no person shall use more soft babbitt foil for such purposes during any calendar quarter than the quantity so used by him during the corresponding calendar quarter of 1941;

(viii) To the manufacture of measuring, recording and control instruments, systems or equipment for use in industrial processes, such as pyrometers, flow meters, pressure gauges, gas analyzers and their associated control valves, but only to the extent that the use of any substitute material is impracticable;

(ix) To the reuse of remelt bearing metal originating in the user's own plant: *Provided,* That no virgin tin or secondary tin shall be added thereto;

(x) To the manufacture of detonators and blasting caps (including electric blasting caps) and necessary parts and accessories therefor, to be used in mining, quarrying and oil drilling operations;

(xi) To the manufacture or use of babbitt for repair, maintenance or replacement purposes in existing diesel engines: *Provided,* That the design of any such engine makes the substitution of lead base babbitt impossible;

(xii) To the retinning of any of the dairy implements specified on Exhibit No. 1 annexed to this order, to the extent indicated thereon: *Provided, however,* That the quantity of tin used for such purposes by any person shall not exceed during any calendar quarter the quantity so used by him in the corresponding calendar quarter of 1940;

(xiii) To the manufacture or use of babbitt for the repair or maintenance of vessels with the assistance of a preference rating duly assigned or extended on Form PD–300.

(d) *Prohibitions against sales or deliveries.* No person shall sell or deliver any tin or tin bearing material or products thereof in the form of raw materials, semi-processed materials, finished parts or sub-assemblies to any person if he knows or has reason to believe such material or any product thereof is to be used in violation of the terms of this order.

(e) *Limitation on inventories.* No manufacturer shall receive delivery of tin, (including scrap), or products thereof, in the form of raw materials, semi-processed materials, finished parts or sub-assemblies nor shall he put into process any raw material, in quantities which in either case shall result in an inventory of such raw, semi-processed or finished material in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the production of tin products by this order.

(f) *Miscellaneous provisions.*—(1) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, (Part 944), as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(2) *Appeal.* Any person whose business is affected by this order, and who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of tin conserved, or that compliance with this order would disrupt or impair a program of defense work, may appeal to the War Production Board on Form PD–229, or such other form as may be from time to time prescribed by the War Production Board, Reference M–43–a, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(3) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply to the use of material in all items or articles hereafter manufactured irrespective of whether such items or articles are manufactured pursuant to a contract made prior or subsequent to the effective date hereof, or pursuant to a contract supported by a preference rating. Insofar as any other order may have the effect of limiting or curtailing to a greater extent than herein provided, the use of tin in the production of any item or article, the limitations of such order shall be observed.

(4) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(5) *Definitions.* For the purposes of this order:

(i) "Tin" means tin metal or the tin content of any tin bearing material whether or not such material is first converted into tin metal, either imported from foreign sources, or produced domestically from foreign or domestic ores, scrap or residues.

(ii) "Tin alloy" means any alloy containing 1.5% or more of tin metal by weight.

(iii) "Manufacture" means to fabricate, assemble, melt, cast, extrude, roll, turn, spin, produce, coat, or process in any other way, but does not include in-

stallation of a finished product for the ultimate consumer on the consumer's premises, or the processing of tin ore or scrap into pig or ingot metal.

(iv) "Inventory" of a person includes the inventory of affiliates and subsidiaries of such person, and the inventory of others where such inventory is under the control of or under common control with or available for the use of such person.

(v) An "item on List A" means as to a particular manufacturer, all products made by him and described by the same detailed classification contained on List A; and, where the manufacturer sells parts, it means all component parts of products described by the same detailed classification.

(vi) An "article" means as to a particular manufacturer, all finished products made by him which are not on List A, used by the ultimate consumer for the same purpose; and where the manufacturer sells parts, it means all component parts of products used by the ultimate consumer for the same purpose.

(vii) "Manufacturing jeweler" means any manufacturer of jewelry, emblems, insignia, personal ornaments, ornamental fittings, jewelry findings or jewelry chains or any component parts thereof.

(viii) "Use" means both (*a*) the act of putting tin into process in the manufacture of any item or article and (*b*) the act of completing the manufacture of any such item or article. (Where a person is limited to a percentage of the material used in a base period, this limitation applies respectively to (*c*) the amount of material put into process during the base period and (*d*) the total amount of material contained in a completed item or article, multiplied by the number of such items or articles, completed during the base period. Each restriction must be applied separately.)

(ix) "Put into process" means the first change by a manufacturer in the form of material from that form in which it is received by him.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 5th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

LIST A FOR ORDER M–43–a

The use of tin in items listed below and in all component parts thereof is prohibited except to the extent permitted by the foregoing Conservation Order.

Advertising specialties.
Art objects.
Automobile body solder, or any material used as a filler or smoother for automobile or truck bodies or fenders.
Band and other musical instruments (except for maintenance and repair of pipe organs for religious and educational institutions).
Beverage dispensing units & parts thereof including pipe (except for maintenance and repair of existing units, and only where and to the extent that used tin pipe in an amount equal in tin content to the tin required, is returned by the customer to the supplier).
Britannia metal.
Broom wire.
Buckles.
Buttons.
Chimes and bells.
Emblems and insignia.
Fasteners: Eyelets, spiral binders, office & industrial staples, book match clips, paper clips, zippers, dress hooks.
Foil—except for: (1) Electrotyping and moulding lead in printing trade, (2) X-ray supplies and (3) dental use, provided the tin content shall be limited to 30% by weight.
Galvanizing.
Household furnishings and equipment.
Jewelry.
Kitchen equipment (including cutlery and tableware), except articles for food preparation.
Novelties, souvenirs and trophies.
Ornaments and ornamental fittings.
Pewter and pewter hollow ware.
Plating or coating for decorative purposes.
Powder (decorative).
Refrigerator trays and shelves.
Seals and labels (except meat seals).
Slot, game and vending machines.
Coated paper.
Oxide in enamelware as an opacifier.
Toys and games.

EXHIBIT NO. 1—TO CONSERVATION ORDER NO. M–43–a

As Amended June 5, 1942

Pursuant to paragraph (c) (3) (xii) of the foregoing Conservation Order, tin may be used to the extent indicated below for the retinning of the following implements:

*5, 8 and 10 gallon shipping cans.
Milk can stirring rods.
Weigh cans, inside only.
Receiving tanks, inside only.
Coil vats, inside only.
Batch pasteurizers, inside only.
Surface coolers, covers and troughs (electro-plating if possible and not over 1/1000 inch coating).
Sanitary fittings and sanitary tubing.
Milk filters.
Separator discs.
*Separator bowls.
Cheese vats.
Cheese vat stirrers.
*2½ and 5 gallon ice cream cans.
Filler bowl covers.
Starter cans, inside only.
Small milk storage vats, inside only.
Milk pumps of centrifugal type.

NOTE: With the exception of those items marked with an asterisk (*), only those parts of equipment in contact with the milk or milk vapors may be retinned.

[F. R. Doc. 42–5273; Filed, June 5, 1942; 11:00 a. m.]

PART 1033—NATURAL RESINS

[Conservation Order M–56, as amended June 5, 1942]

Section 1033.1 *Conservation Order M–56*[1] is hereby amended to read as follows:

§ 1033.1 *Conservation Order M–56*—(a) *Definitions.* For the purpose of this order:

(1) "Natural resins" means all natural resins (including Congo copal) and products made therefrom, in their natural state, run, esterfied, fused, or otherwise processed, but shall not include shellac or pine rosin or products made therefrom, or prepared protective or technical coatings in a state ready for application on April 16, 1942.

(2) "Inventory" of a person includes all natural resins to or in which such person has any title or equity of redemption, including the inventory as so defined of all affiliates and subsidiaries of such person.

(b) *Restrictions on use of natural resins in certain products.* (1) Except as provided in paragraph (b) (2) of this section, no person shall use natural resins in the manufacture of the following products:

Barn paints.
Freight car paints.
Road marking paints.

(2) Road marking paints may be formulated to contain one-half (½) pound or less of Batu gum per gallon of solids.

(c) *Inventory limitation.* No manufacturer shall accept delivery of natural resins, or products thereof, whether in the form of raw material or of semi-processed material, if the amount accepted, taken together with his inventory then on hand, shall exceed a sixty-day supply, having regard to the orders placed with such manufacturer and his current method and rate of operation: *Provided, however,* That the restrictions of this paragraph (c) shall not prevent the acceptance of deliveries by an established importer of natural resins, whether such deliveries represent direct imports or purchases from any other source.

(d) *Prohibitions against sale or deliveries of natural resins.* No person shall sell or deliver natural resins to any person if he knows, or has reason to believe that such material is to be used or accumulated in violation of the terms of this order.

(e) *Reports.* Within fifteen (15) days after the end of the period April 1 to June 30, 1942, and within a like time after the end of each calendar quarter thereafter, each person who at any time during such quarter had five thousand (5,000) pounds of natural resins shall file with the War Production Board a report on Form PD–339 in the manner prescribed therein.

(f) *Miscellaneous provisions*—(1) *Applicability of Priorities Regulation No. 1.* This order and all transactions af-

[1] 7 F.R. 2856.

fected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(2) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply to the use of material in all articles hereafter manufactured irrespective of whether such articles are manufactured pursuant to a contract made prior or subsequent to the effective date hereof, or pursuant to a contract supported by a preference rating. In so far as any other order of the Director of Industry Operations may have the effect of limiting or curtailing to a greater extent than herein provided, the use of natural resins in the production of any article, the limitation of such other order shall be observed.

(3) *Appeal.* Any persons affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of natural resins conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the Director of Industry Operations by addressing a letter to the War Production Board, Chemicals Branch, Washington, D. C., Ref: M-56, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(4) *Violations.* Any person who wilfully violates any provision of this order or who in connection with this order wilfully conceals a material fact or wilfully furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance by the Director of Industry Operations.

(5) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref: M-56. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 5th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-5276; Filed, June 5, 1942; 11:01 a. m.]

PART 1095—COMMUNICATIONS

[Interpretation 1 of Preference Rating Order P-129]

The following official interpretation is hereby issued by the Director of Industry Operations with respect to § 1095.2 *Preference Rating Order P-129:*[1]

"Operator's inventory of material" as employed in paragraph (g) (1) (i) and (ii) of Preference Rating Order P-129 shall include all items of new and/or salvaged Material and supplies on hand, whether held for current use or for sale as junk, until physically incorporated into plant by way of maintenance, repair, operating construction or otherwise, and without regard to whether or not such items of material are carried in the operator's accounting records under "material and supplies account."

"Operator's inventory of material" shall not include any equipment of a superseded type reserved by an operator for re-use, as a practical measure of conservation to meet probable future operating contingencies; any Material identified for use in special projects which have been specifically authorized by the War Production Board upon project applications of an operator, or any operating supplies which are in the process of being consumed by an operator.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2(a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 5th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-5274; Filed, June 5, 1942; 11:01 a. m.]

PART 1095—COMMUNICATIONS

[Interpretation 1 of Preference Rating Order P-130]

The following official interpretation is hereby issued by the Director of Industry Operations with respect to § 1095.3 *Preference Rating Order P-130*[2]*:*

"Operator's inventory of material" as employed in paragraph (g) (1) (i) and (ii) of Preference Rating Order P-130 shall include all items of new and/or salvaged material and supplies on hand, whether held for current use or for sale as junk, until physically incorporated into plant by way of maintenance, repair, operating construction or otherwise, and without regard to whether or not such items of material are carried in the operator's accounting records under "material and supplies account."

"Operator's inventory of material" shall not include any equipment of a superseded type reserved by an operator for re-use, as a practical measure of conservation to meet probable future operating contingencies; any material identified for use in special projects which have been specifically authorized by the War Production Board upon project applications of an operator, or any operating supplies which are in the process of being consumed by an operator.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 5th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-5275; Filed, June 5, 1942; 11:01 a. m.]

PART 1142—FLASHLIGHT CASES AND FLASHLIGHT BATTERIES

[Amendment 1 to Limitation Order L-71]

Section 1142.1 *General Limitation Order L-71*[1] is hereby amended in the following particulars:

Paragraph (b) (1) is hereby amended to read as follows:

(1) After March 31, 1942, no person shall incorporate into flashlight cases or flashlight batteries any of the following materials:

(i) Aluminum,
(ii) Crude rubber,
(iii) Chromium,
(iv) Nickel,
(v) Tin, except that contained in solder, or
(vi) Brass or copper other than used in electrical contact fittings, provided that brass and copper may be used in electrical contact fittings only in the minimum quantities required to provide suitable electrical contact and practical operation;

except that any person may incorporate into flashlight cases or flashlight batteries (within the limits of paragraph (b) (4) and (b) (5)) any steel plated with any of the materials listed in this paragraph (b) (1), provided that such plating was completed on or before March 31, 1942, and further provided that such plated steel was in his inventory or in the inventory of his supplier on or before March 31, 1942.

Paragraph (b) (2) is hereby amended by changing the period at the end thereof to a comma, and adding the following language:

* * * except that iron or steel which was in his inventory or in the inventory of his supplier prior to April 1, 1942, and which had been so fabricated or processed prior to April 1, 1942, that it cannot be used for any purpose other than the production of flashlight cases and/or

[1] 7 F.R. 3030, 3474.
[2] 7 F.R. 3031.

[1] 7 F.R. 2392.

flashlight batteries for which it was originally fabricated or processed may be used in the manufacture of flashlight cases and flashlight batteries, provided that such use is within the restrictions of paragraph (b) (4) and (b) (5).

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 5th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-5272; Filed, June 5, 1942; 11:00 a. m.]

Chapter XI—Office of Price Administration

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[Amendment 1 to Maximum Price Regulation 132 [1]—Waterproof Rubber Footwear]

WAR PROCUREMENT AGENCY PURCHASES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

A new sentence is added to § 1315.61 as set forth below, and a new § 1315.69a and a new subparagraph (4) to paragraph (a) of § 1315.68 are added:

§ 1315.61 *Maximum prices for waterproof rubber footwear.* * * * The provisions of this section shall not be applicable to sales or deliveries of waterproof rubber footwear pursuant to contracts with any war procurement agency of the United States government, or with any person who contracts to sell the purchased waterproof rubber footwear to any war procurement agency of the United States government.

* * * * *

§ 1315.68 *Definitions.* (a) * * *

* * * * *

(4) "War procurement agency" includes the War Department, the Department of the Navy, the United States Maritime Commission, and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any agency of any of the foregoing.

* * * * *

§ 1315.69a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1315.61, 1315.68 (a) (4) and 1315.69a) to Maximum Price Regulation No. 132 shall become effective June 4, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 4th day of June, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5258; Filed, June 4, 1942; 4:41 p. m.]

[1] 7 F.R. 3161.

PART 1340—FUEL

[Amendment 5 to Maximum Price Regulation 112 [1]—Pennsylvania Anthracite]

CHARGES FOR SPECIAL SERVICES

A statement of the considerations involved in the issuance of this Amendment is issued simultaneously herewith and has been filed with the Division of the Federal Register.

Subparagraph (3) in § 1340.200 (c) is amended to read as set forth below:

§ 1340.200 *Appendix A: Maximum prices for anthracite.* * * *

(c) *Cash discounts, credit terms and special services.*

* * * * *

(3) (i) The charges made for any special service, including (specifically but not exclusively) calcium chloride treatment, specially prepared sizes, split cars (containing more than one size), box car loading, truck loading from pockets at the mine, bags and bagging, and the making of local or retail deliveries from the mine or preparation plant, shall not exceed the charges made for the same service during the period October 1–October 15, 1941, inclusive.

(ii) For the coal prepared at the Salem Hill breaker at Palo Alto, Schuylkill County, Pennsylvania by Haddock Mining Company, Wilkes-Barre, Pennsylvania and marketed under the trade name "Salem Hill Brooder Coal," there may be added a charge of 25 cents per net ton over and above the maximum prices otherwise provided in this § 1340.200:

Provided, That upon inspection by the producer each shipment of such coal is found to meet the following specifications: it shall be sized through a 1⅝" and over a 1 3/16" test mesh with maximum oversize of two percent and undersize of three percent; float and sink test shall not exceed five percent sink on a 1.7 gravity; and:

Provided, further, That a record of inspection of each shipment of this coal shall be kept by the producer for a period of not less than one year for examination by the Office of Price Administration.

§ 1340.199a *Effective dates of amendments.* * * *

(e) Amendment No. 5 (§ 1340.200 (c) (3)) to Maximum Price Regulation No. 112 shall become effective June 9, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 4th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5257; Filed, June 4, 1942; 4:41 p. m.]

PART 1351—FOODS AND FOOD PRODUCTS

[Amendment 4 to Revised Price Schedule 53 [2]—Fats and Oils]

F. O. B. CHICAGO PRICES FOR OLEO PACKED IN USED DRUMS OR BARRELS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

A new subparagraph (9) is added to paragraph (b) of § 1351.151, as set forth below:

§ 1351.151 *Maximum prices for fats and oils.* * * *

(b) (9) On and after June 9, 1942, subparagraphs (1) to (5) both inclusive of this paragraph (b) shall have no application to the following fats and oils and the maximum prices thereof shall be the following prices:

(i) *Oleo*—Packed in used drums or barrels, f. o. b. Chicago, in cents per pound, as follows:

Extra oleo stock	12.75
Prime oleo stock	12.50
Extra oleo oil	13.04
Prime oleo oil	12.75
Prime oleo stearine	10.61

(*a*) The usual or normal differentials for grade, quantity, and type of purchaser, above or below these prices for basic grades, shall continue to apply.

(*b*) The usual or normal differentials, above or below these f. o. b. Chicago prices, shall continue to apply for all other shipping points.

* * * * *

§ 1351.159 *Effective dates of amendments.* * * *

(d) Amendment No. 4 (§ 1351.151 (b) (9)) to Revised Price Schedule No. 53 shall become effective June 9, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 4th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5259; Filed, June 4, 1942; 4:45 p. m.]

[1] 7 F.R. 2512, 2739, 2818, 2868, 3521.
[2] 7 F.R. 1309, 1836, 2132, 3430, 3821.

PART 1375—EXPORT PRICES

[Amendment 2 to Maximum Export Price Regulation [1]]

SPECIFIC MAXIMUM EXPORT PREMIUMS

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and has been filed with the Division of the Federal Register. A second proviso is added to § 1375.2 (a), and a new § 1372.2a is added as set forth below.

§ 1375.2 *Additions to cost or domestic price.* (a) * * *

Provided further, That the Office of Price Administration may, from time to time, promulgate figures which shall reflect the average premium charged in the export trade for the particular services or functions performed during either the period July 1–December 31, 1940 or March 1–April 15, 1942, whichever average premium is lower; or, where the periods July 1–December 31, 1940 or March 1–April 15, 1941 are not appropriate for the selection of a base period, or where the trade or industry finds great difficulty in discovering an appropriate premium in the base period, the Office

[1] 7 F.R 3096, 3824.

of Price Administration may publish a specific export premium for the trade or industry. In case of such promulgation, and pursuant to subject to the terms of the promulgation, the premium therein stated shall become the maximum premium to be charged in the export trade. Such promulgation or promulgations, shall be in the form of amendments to this Maximum Export Price Regulation, and shall be inserted as paragraphs of § 1375.2a.

§ 1375.2a *Specific maximum export premiums.* (a) The maximum export premium to be charged on a sale for export on any finished piece goods, as defined in Maximum Price Regulation No. 127[2] (whether covered by that Regulation or not), shall be:

(1) For finished piece goods covered by Maximum Price Regulation No. 127:

(i) If sold by the manufacturer or converter thereof, an amount not in excess of 6% of the domestic maximum price applicable to a sale by such person to a Class I purchaser:

(ii) If sold by a person other than the manufacturer or converter thereof, an amount not in excess of 8½% of the domestic maximum price applicable to a sale by such person to a Class I purchaser.

(2) For finished piece goods other than those covered by Maximum Price Regulation No. 127.

(i) An amount not to exceed 6% of the domestic maximum price applicable to a sale of the commodity to a purchaser of the same class.

§ 1375.9 *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§§ 1375.2 (a), 1372.2a,) to Maximum Export Price Regulation shall become effective June 9th, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 4th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5260; Filed, June 4, 1942; 4:46 p. m.]

PART 1391—BICYCLES AND BICYCLE EQUIPMENT

[Maximum Price Regulation No. 158]

RESALE OF WAR BICYCLES—DISTRIBUTORS AND DEALERS

In the judgment of the Price Administrator, the prices of War bicycles, which are about to be offered for sale, are threatening to rise to an extent, and in a manner, inconsistent with the purposes of the Emergency Price Control Act of 1942.

In the judgment of the Price Administrator, the maximum prices established by this Maximum Price Regulation No. 158 are necessary to check inflation and to effectuate the purposes of the Act.

In the judgment of the Price Administrator, the maximum prices established by this Maximum Price Regulation are generally fair and equitable. So far as practicable, the Price Administrator has given due consideration to prices prevailing between October 1 and October 15, 1941, and to relevant factors of general applicability. So far as practicable, the Price Administrator has consulted with representatives of the industry which will be affected by this Maximum Price Regulation No. 158.

A statement of the considerations involved in the issuance of this Maximum Price Regulation No. 158 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with Procedural Regulation No. 1,[1] issued by the Office of Price Administration Maximum Price Regulation No. 158 is hereby issued.

Sec.

AUTHORITY: §§ 1391.51 to 1391.67, inclusive, issued under Pub. Law. 421, 77th Cong.

§ 1391.51 *Maximum prices for War bicycles.* On and after June 5, 1942, no distributor, dealer or mail-order seller shall sell or offer for sale a War bicycle at a price in excess of the basic maximum price plus the applicable zone differential.

§ 1391.52 *Basic maximum price.* The basic maximum price shall be:

(a) For a sale by a distributor to a dealer, $23.75 f. o. b. point of shipment, subject to discount of 2% for cash within ten days;

(b) For a sale (except by mail order) by a dealer to a purchaser at retail, the lower of the following:

(1) The net cost to the seller plus $10; or

(2) $32.50.

(c) For a sale by mail-order, $29.50 f. o. b. seller's usual point of shipment.

§ 1391.53 *Additions to maximum prices for zone differentials*—(a) *Mid-west zone.* The following differentials may be added to the applicable basic maximum price for sales made from the seller's stock in the mid-west zone: *Provided,* That such addition does not result in a maximum price which exceeds the net cost to the seller by more than $10.00.

(1) For sales by distributors, $.75 per bicycle.

(2) For sales by dealers, $1.00 per bicycle.

(b) *Far west zone.* The following differentials may be added to the applicable basic maximum price for sales made from the seller's stock in the far west zone: *Provided,* That such addition does not result in a maximum price which exceeds the net cost to the seller by more than $10.00.

(1) For sales by distributors, $1.50 per bicycle.

(2) For sales by dealers, $2.00 per bicycle.

§ 1391.54 *Taxes.* Any tax upon the sale of a War bicycle and any compensating use tax upon any such bicycle, levied by any statute of the United States, or statute or ordinance of any state or subdivision thereof, may be added to the basic maximum prices established by this Maximum Price Regulation No. 158: *Provided,* That the addition of such tax does not violate the applicable taxing statute or ordinance.

§ 1391.55 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 158 may be charged, demanded, paid or offered.

§ 1391.56 *Sales for export.* The maximum price at which a person may export War bicycles shall be determined in accordance with the provisions of the Maximum Export Price Regulation[2] issued by the Office of Price Administration on April 25, 1942.

§ 1391.57 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 158 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to War bicycles, alone or in connection with any other commodity, by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying agreement or other trade understanding, or otherwise.

§ 1391.58 *Records.* Every person subject to this Maximum Price Regulation No. 158 shall keep and make available for examination by the Office of Price Administration records of all sales of all new bicycles made by him on and after June 5, 1942. Such records shall show the name and address of the buyer, the make, model, and serial number of bicycle and the price paid and received for it, and the record of each sale shall be retained for at least two years after the date of the sale.

§ 1391.59 *Postings of maximum prices for War bicycles.* On and after June 10, 1942, every person subject to this Maximum Price Regulation No. 158 shall post conspicuously his maximum prices for War bicycles established by this Maximum Price Regulation No. 158.

---

[2] 7 F.R.

[1] 7 F.R. 971, 3663.

[2] 7 F.R. 3036, 3824.

§ 1391.60 *Sales slips and receipts.* Any person subject to this Maximum Price Regulation No. 158 shall give the purchaser a receipt showing the date of sale, the name and address of the seller, the make, model and serial number of the bicycle, and the price received for it.

§ 1391.61 *Licensing.* All licenses granted under § 1499.16 of the General Maximum Price Regulation[3] to persons selling bicycles shall continue in effect in accordance with the provisions of said § 1499.16.

§ 1391.62 *Applicability of General Maximum Price Regulation.* The provisions of this Maximum Price Regulation No. 158 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this Regulation.

§ 1391.63 *Penalties.* (a) Persons violating any provision of this Maximum Price Regulation No. 158 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942, and proceedings for suspension of licenses.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 158 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1391.64 *Petitions for amendment.* Any person seeking a modification of any provision of this Maximum Price Regulation No. 158 may file a petition for amendment in accordance with the provisions of Procedural Regulation No. 1[1] issued by the Office of Price Administration.

§ 1391.65 *Definitions.* When used in this Maximum Price Regulation No. 158, the term:

(a) "Person" means an individual, corporation, partnership, association, or any other organized group of persons, legal successor or representative of the foregoing.

(b) "War bicycle" means a bicycle manufactured in accordance with specifications set forth in § 1104.1 (b) (4) of Limitation Order L–52 of the War Production Board.[4]

(c) "Distributor" means a jobber or wholesaler.

(d) "Dealer" means a person selling at retail.

(e) "Mail-order" sale means a sale by a mail-order house from a catalog or descriptive circular where the bicycle is shipped pursuant to the purchaser's order.

(f) "Net cost" means the invoice cost, less all discounts and allowances plus freight.

(g) "Freight" means transportation charges (except for local drayage) paid to a common or contract carrier for transporting bicycles to a dealer, from a person selling directly to such dealer.

(h) "Mid-west zone" means the states of Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, Nebraska, North Dakota, Oklahoma, South Dakota and all counties in Texas other than El Paso, Hudspeth, Culberson, Jefferson Davis, Presidio, Brewster, Terrell, Pecos, Reeves.

(i) "Far-west zone" means the states of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, and the following counties in Texas: El Paso, Hudspeth, Culberson, Jefferson Davis, Presidio, Brewster, Terrell, Pecos, Reeves.

§ 1391.66 *Geographical applicability.* The provisions of this Maximum Price Regulation No. 158 shall be applicable to the forty-eight states and the District of Columbia.

§ 1391.67 *Effective date.* This Maximum Price Regulation No. 158 (§§ 1391.51 to 1391.67, inclusive) shall become effective June 5, 1942.

Issued this 4th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–5261; Filed, June 4, 1942; 4:45 p. m.]

PART 1410—WOOL

[Amendment 4 to Revised Price Schedule 58,[1] as Amended—Wool and Wool Tops and Yarns]

SALES TO UNITED STATES ARMY

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Subparagraph (2) in § 1410.51a (a) is amended to read as set forth below:

§ 1410.51a *Maximum prices for sales and deliveries of certain wool fabrics to the United States Government and agencies thereof*—(a) *Sales and deliveries of 10½ oz. shirting flannel to the United States Army.* * * *

(2) The maximum prices for sales and deliveries to the United States Army of 10½ oz. shirting flannel of the specifications set forth in United States Army Requisition No. 8–54C shall be as follows:

	Sales and deliveries by integrated mills	Sales and deliveries by non-integrated mills
100% domestic wool	$2.13	$2.17
50% domestic, 50% foreign wool	2.10	2.14
100% foreign wool	2.07	2.11

The maximum prices for such shirting flannel in other proportions of foreign and domestic wool shall be determined in proportionate relation to the maximum prices set forth above.

* * * * *

§ 1410.60. *Effective dates of amendments.* * * *

(f) Amendment No. 4 (§ 1410.51a (a) (2)) to Revised Price Schedule No. 58, as amended, shall become effective July 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 4th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–5262; Filed, June 4, 1942; 4:42 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Maximum Prices Authorized Under § 1499.3 (b) of the General Maximum Price Regulation[1]—Order No. 6]

COLONIAL ICE CREAM CO., MAXIMUM PRICES FOR SALE OF HONEY

The Colonial Ice Cream Company of Washington, D. C. made application under § 1499.3 (b) of the General Maximum Price Regulation for approval of proposed maximum prices for 15,000 pounds of honey. Due consideration has been given to the application, and an Opinion in support of this Order has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the Opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[2] issued by the Office of Price Administration, it is ordered:

§ 1499.41 *Approval of maximum prices for sales of honey by Colonial Ice Cream Company.* (a) On and after June 6, 1942, Colonial Ice Cream Company may sell and deliver, and agree, offer, solicit, and attempt to sell and deliver honey at prices no higher than those hereinafter set forth:

15,000 pounds of Clover and Thistle Honey at 16⅔¢ per lb.

(b) This Order No. 6 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 6 (§ 1499.41) shall become effective June 6, 1942. (Pub. Law 421, 77th Cong.)

Issued this 4th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–5256; Filed, June 4, 1942; 4:40 p. m.]

PART 1300—PROCEDURE

[Temporary Procedural Regulation 4]

PROCEDURE ON ISSUANCE OF RATIONING SUSPENSION ORDERS: NOTICE, HEARING AND PETITION FOR RECONSIDERATION

Pursuant to the authority conferred upon the Administrator by Executive Order No. 9125 and by War Production

[1] Supra.
[3] 7 F.R. 3153, 3330, 3666.
[4] 7 F.R. 1980.
[1] 7 F.R. 2397, 2543, 2580, 4117.
[1] 7 F.R. 3153, 3330, 3665, 3991.
[2] 7 F.R. 971.

Board Directive No. 1, as supplemented, the following rules are hereby prescribed for notice, hearing and reconsideration in connection with the issuance of rationing suspension orders:

AUTHORITY: § 1300.151 to 1300.159, inc., issued under Pub. Law 421, 77th Cong., WPB Directive No. 1, 7 F.R. 562; E.O. 9125, 7 F.R. 2719.

§ 1300.151 *Hearing prior to issuance of suspension order.* Prior to the issuance of any rationing suspension order, a hearing shall be held, such hearing to be conducted in accordance with the provisions of this Temporary Procedural Regulation No. 4.

§ 1300.152 *Presiding officer, appointment and duties.* The hearing shall be conducted by a presiding officer who shall be appointed or designated by the Administrator or such person as he may authorize to make such appointment or designation. The presiding officer shall preside at the hearing, administer oaths and affirmations, and rule on the admission and exclusion of evidence.

§ 1300.153 *Notice.* Notice of any hearing to be held pursuant to this Temporary Procedural Regulation No. 4 shall be served on the respondent not less than 3 days prior to such hearing. The notice shall state the time and place of the hearing, the charges against the respondent, and the purpose for which the hearing is to be held.

§ 1300.154 *Conduct of the hearing.* The hearing shall be conducted by the presiding officer in such manner as will permit the respondent to present evidence and argument to the fullest extent compatible with fair and expeditious determination of the issues raised in the hearing. To this end:

(a) The respondent shall have the right to be represented by counsel of his own choosing;

(b) The rules of evidence prevailing in courts of law or equity shall not be controlling;

(c) The presiding officer, having due regard to the need for expeditious decision, shall afford reasonable opportunity for cross-examination of witnesses.

§ 1300.155 *Transcript of hearing.* A stenographic transcript of the hearing shall be made, a copy of which shall be made available to the respondent at his request upon the payment of a reasonable fee.

§ 1300.156 *Issuance and service of suspension order.* If, after the hearing, it is determined that the respondent has violated a rationing regulation or order, a suspension order may be issued, prohibiting the respondent from receiving or making delivery of the rationed products or materials for such period as may be deemed appropriate in the public interest. A copy of such suspension order shall promptly be served on the respondent, and copies thereof shall be sent to his suppliers.

§ 1300.157 *Petition for reconsideration.* Any person against whom a suspension order has been issued pursuant to this Temporary Procedural Regulation No. 4 may file in the office of the Secretary, Office of Price Administration, Washington, D. C. a petition for reconsideration of the suspension order. Such petition may be accompanied by any affidavits or briefs which the person filing such petition desires to submit.

§ 1300.158 *Action of the Administrator on petition for reconsideration.* Within a reasonable time after the filing of a petition for reconsideration, the Administrator shall affirm, modify, rescind, or stay the suspension order, or direct that a further hearing be held thereon.

§ 1300.159 *Effective date.* This Temporary Procedural Regulation No. 4 shall be effective on and after June 5, 1942, and shall remain in effect until withdrawn or superseded by a permanent procedural regulation on the same subject.

Issued this 5th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5283; Filed, June 5, 1942; 11:40 a. m.]

PART 1306—IRON AND STEEL

[Revised Price Schedule 43,[1] as Amended]

USED STEEL DRUMS AND USED STEEL PAILS

A statement of the considerations involved in the issuance of Revised Price Schedule No. 43, as amended, has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

The title, preamble, and §§ 1306.201 to 1306.212, inclusive, are renumbered and amended to read as set forth herein.

In the judgment of the Price Administrator the prices of used steel drums have risen and are threatening further to rise, and the prices of used steel pails are threatening to rise, to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of used steel drums and used steel pails prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Revised Price Schedule No. 43, as amended.

In the judgment of the Price Administrator the maximum prices established by this Schedule are, and will be, generally fair and equitable and will effectuate the purposes of the Act.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1[2] issued by the Office of Price Administration, Revised Price Schedule No. 43, as amended, is hereby issued:

AUTHORITY: §§ 1306.201 to 1306.212, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1306.201 *Maximum prices for used steel drums and used steel pails.* On and after June 10, 1942, regardless of the terms of any contract, agreement, lease, or other obligation: (a) no person shall sell or deliver used steel drums, and no person shall, in the course of trade or business, buy or receive used steel drums at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1306.211; (b) no person shall sell or deliver used steel pails, and no person shall, in the course of trade or business, buy or receive used steel pails at prices higher than the maximum prices set forth in Appendix B, incorporated herein as § 1306.212.

§ 1306.202 *Less than maximum prices.* Lower prices than those set forth in § 1306.211, Appendix A, and § 1306.212, Appendix B, may be charged, demanded, paid, or offered.

§ 1306.203 *Evasion.* The price limitations set forth in Revised Price Schedule No. 43, as amended, shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to a used steel drum or a used steel pail, alone or in conjunction with any other commodity or by way of any commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1306.204 *Records and reports.* (a) Every person making purchases or sales of used steel drum and/or used steel pails after June 10, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than two years, complete and accurate records of (1) each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the quantity of each kind or grade purchased or sold, and (2) the quantity of used steel drums and/or used steel pails (i) on hand, and (ii) on order, as of the close of each calendar month.

(b) Persons affected by Revised Price Schedule No. 43, as amended, shall submit such reports to the Office of Price Administration, as it may from time to time require.

§ 1306.205 *Enforcement.* (a) Persons violating any provisions of this Revised Price Schedule No. 43, as amended, are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Revised Price Schedule No. 43, as amended, or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest District, State or Regional Office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1306.206 *Petitions for amendment, adjustment or exception.* (a) Persons seeking any modification of this Revised Price Schedule No. 43, as amended, or an adjustment or exception not provided

[1] 7 F.R. 1287, 1836, 2132.
[2] 7 F.R. 971, 3663.

for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1 [2] issued by the Office of Price Administration.

(b) The Price Administrator may grant an exception permitting a petitioner to charge prices for reconditioned drums in excess of the maximum prices for reconditioned drums set forth in this Revised Price Schedule No. 43, as amended, in cases where the petitioner shows that such drums, in addition to being fully reconditioned as required by Revised Price Schedule No. 43, as amended, are lined with Heresite coating. In all such cases the petitioner shall submit data showing actual cost, over and above the reconditioning costs, of lining such drums with Heresite coating. Petitions for such exceptions must be filed in accordance with Procedural Regulation No. 1 [2] issued by the Office of Price Administration.

§ 1306.207 *Sales for export.* The maximum price at which a person may export used steel drums or used steel pails shall be determined in accordance with the provisions of the Maximum Export Price Regulation [3] issued by the Office of Price Administration.

§ 1306.208 *Licensing*—(a) *License required.* A license is hereby required of every dealer and of every reconditioner now or hereafter selling to any person any used steel drum or any used steel pail for which maximum prices are established by Revised Price Schedule No. 43, as amended, or as hereafter amended or supplemented.

(b) *License granted.* Effective June 10, 1942, every dealer and every reconditioner now or hereafter selling to any person any used steel drum or any used steel pail for which maximum prices are established by Revised Price Schedule No. 43, as amended, or as hereafter amended or supplemented, is hereby granted a license as a condition of selling any such used steel drum or steel pail. The license hereby granted shall, unless suspended as provided by the Emergency Price Control Act of 1942, continue in force so long as and to the extent that Revised Price Schedule No. 43, as amended, or any amendment or supplement thereto remains in force.

(c) *Registration of licenses.* Every dealer and every reconditioner hereby licensed may be required to register with the Office of Price Administration at such time and in such manner as the Administrator may hereafter by regulation prescribe.

(d) When used in this section, the term:

(1) "Dealer" means any person (other than an emptier, filler or reconditioner) who buys or sells raw used steel drums or raw used steel pails.

(2) "Reconditioner" means a person who engages in the reconditioning of used steel drums or used steel pails.

§ 1306.209 *Definitions.* (a) When used in Revised Price Schedule No. 43, as amended, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or any government, or any of its political subdivisions, or any agency of any of the foregoing;

(2) "User" means a person who uses a drum or pail as a container for the shipment or storage of goods;

(3) "Drum" means a steel barrel or drum of a capacity of 14 to 16 gallons, inclusive, or 29 to 33 gallons, inclusive, or 50 to 58 gallons, inclusive;

(4) "Raw used drum" means a drum which has been emptied but which has not been reconditioned for reuse;

(5) "Reconditioned drum" means a raw used drum which has been washed, dried and painted with lacquer, enamel or varnish, and also subjected to any and all other process or processes necessary to make the raw used drum fit for reuse as a container, except that: (i) In the case of a galvanized drum, painting is not necessary to constitute such drum a "reconditioned drum"; and (ii) in the case of a raw used drum which has last been used as an alcohol container, washing is not necessary to constitute such drum a "reconditioned drum";

(6) "Pail" means an open headed steel bucket or container of any gauge, of a capacity of 2, 3, or 5 gallons;

(7) "Cover" means a steel lid, with a steel ring when such ring is necessary, suitable for closing the open head of a pail;

(8) "Raw used pail" means a pail which has been emptied but which has not been reconditioned for reuse;

(9) "Reconditioned pail" means a raw used pail which has been thoroughly cleaned and painted, equipped with a properly fitting cover and effective gasket, and subjected to any and all other process or processes necessary to make the raw used pail fit for reuse as a container.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this Revised Price Schedule No. 43, as amended.

§ 1306.210 *Effective date of Revised Price Schedule No. 43, as amended.* Revised Price Schedule No. 43, as amended, (§§ 1306.201 to 1306.212, inclusive) shall become effective June 10, 1942,

§ 1306.211 *Appendix A: Maximum prices for used steel drums*—(a) (1) *Maximum prices for reconditioned drums.* The maximum prices for reconditioned drums, subject to the deductions required and additional charges allowed, as stated in paragraphs (a) (2) and (a) (3) of this section, delivered to the purchaser, shall be as follows:

14 to 16 gallons, inclusive	$1.45
29 to 33 gallons, inclusive	1.85
50 to 58 gallons, inclusive	2.25

(2) *Required deductions.* Deductions per drum from the maximum prices listed for reconditioned drums above shall be made as follows:

(i) Where a purchaser of a drum has specified that such drum shall not be painted, but shall be reconditioned in all other respects as required by § 1306.209 (a) (5), the required deductions shall be the following amounts:

14 to 16 gallons, inclusive	$ 0.10
29 to 33 gallons, inclusive	0.125
50 to 58 gallons, inclusive	0.15

(ii) Where a drum is reconditioned in all respects as required by § 1306.209 (a) (5) except that in painting such drum the reconditioner does not use lacquer, enamel or varnish, the required deduction shall be five cents ($0.05) per drum for drums of all capacities covered by Revised Price Schedule No. 43, as amended.

(3) *Additional charges allowed.* Charges per drum in addition to the maximum prices listed for reconditioned drums in paragraphs (a) (1) and (a) (2) of this section, may be made as follows:

(i) Where a reconditioned drum is delivered in excess of 50 miles from the shipping point, the lower of the following alternative charges may be added:

(*a*) Actual cost of transportation from the shipping point, or

(*b*) For each 75 miles or fraction thereof in excess of 50 miles from the shipping point:

14 to 16 gallons, inclusive	$0.05
29 to 33 gallons, inclusive	.075
50 to 58 gallons, inclusive	.10

(ii) Where a reconditioned drum is purchased and delivery is completed in the States of California, Washington and Oregon the following additional charge per drum may be made:

14 to 16 gallons, inclusive	$0.15
29 to 33 gallons, inclusive	.25
50 to 58 gallons, inclusive	.50

(iii) Where a drum which is lined has been reconditioned so that it is suitable for use as a food container without any further reconditioning process and is sold for use as a food container, the following additional charge per drum may be added:

14 to 16 gallons, inclusive	$0.15
29 to 33 gallons, inclusive	.20
50 to 58 gallons, inclusive	.25

(b) *Maximum prices for raw used drums purchased direct from the person who empties the drums.* (1) The maximum price for a raw used drum purchased direct from the person who empties the drum, f. o. b. the place where the drum is emptied, shall be as follows:

14 to 16 gallons, inclusive	$0.75
29 to 33 gallons, inclusive	1.00
50 to 58 gallons, inclusive	1.25

(2) Where a raw used drum is purchased and delivery is completed in the States of California, Washington, and Oregon the following charge per drum in addition to the above may be made:

14 to 16 gallons, inclusive	$0.10
29 to 33 gallons, inclusive	.20
50 to 58 gallons, inclusive	.40

(c) *Maximum prices for raw used drums purchased from a person other than the person who empties the drums.* (1) The maximum prices for a raw used

[2] Supra.
[3] 7 F.R. 3093, 3824.

drum, delivered to the purchaser, other than those purchased direct from the person who empties the drum, shall be as follows:

14 to 16 gallons, inclusive	$1.00
29 to 33 gallons, inclusive	1.30
50 to 58 gallons, inclusive	1.60

(2) Where a raw used drum is not delivered to the purchaser a deduction shall be made from the above as follows:

14 to 16 gallons, inclusive	$0.05
29 to 33 gallons, inclusive	.075
50 to 58 gallons, inclusive	.10

(3) Where a raw used drum is purchased and delivery is completed in the States of California, Washington and Oregon the following additional charge per drum may be made:

14 to 16 gallons, inclusive	$0.10
29 to 33 gallons, inclusive	.20
50 to 58 gallons, inclusive	.40

§ 1306.212 Appendix B: *Maximum prices for used steel pails and accessories*—(a) (1) *Maximum prices for reconditioned pails.* The maximum prices for reconditioned pails, subject to the deductions required, as stated in paragraph (a) (2) of this section, delivered to the purchaser, shall be as follows:

5 gallons	$0.45
3 gallons	.36
2 gallons	.31

(2) *Required deductions.* Deductions per pail shall be made as follows: Where a pail is reconditioned in all respects as required by § 1306.209 (a) (9) except that: (i) the pail is not furnished with an effective gasket, the required deduction shall be two cents ($0.02) per pail; and (ii) the pail is not painted, the required deduction shall be three cents ($0.03) per pail.

(b) *Maximum prices for raw used pails and covers.* The maximum prices for a raw used pail, and the cover thereto, f. o. b. the place where the pail and cover are sold, shall be as follows:

Pails	Capacities		
	2 gallon	3 gallon	5 gallon
Pail with cover	$0.10	$0.15	$0.20
Pail without cover	.05	.07	.10

Covers	Sizes of diameter		
	8½"	10¼"	11¾"
Cover alone	$0.03	$0.04	$0.05

Issued this 5th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5285; Filed, June 5, 1942; 11:40 a. m.]

PART 1410—WOOL

[Amendment 5 to Revised Price Schedule 58,[1] as Amended]

WOOL AND WOOL TOPS AND YARNS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

[1] 7 F.R. 2397, 2543, 2580, 4117.

In § 1410.61 the grades for "shanks" in the table in paragraph (c) and subparagraphs (3) and (4) in paragraph (d) are amended; in § 1410.62 paragraph (b) is amended; §§ 1410.63 and 1410.64 are amended; in § 1410.65 the headnote of the section, the first two paragraphs in (a) and subdivisions (iii) and (iv) in paragraph (a), (1) are amended, subparagraphs (3) and (4) in paragraph (a) are revoked, paragraphs (5) and (6) are redesignated (3) and (4), paragraph (b) is redesignated (d) and two new subparagraphs (4) and (5) are added thereto, and two new paragraphs designated (b) and (c) are added,, as set forth below:

§ 1410.61 *Appendix A: Maximum prices for domestic pulled wools.* * * *

(c) *Off color pulled wools—Choice character.*

Grade	Prices of choice wools	
	Clean basis	Scoured
* * *	*	*
Shank:		
70s and finer	$0.85	$0.90
60s to 64s	.75	.80
44s to 56s	.70	.75
* * * * *		

(d) *Inferior pulled wools.* * * *

(3) Seedy or burry wools which, in accordance with established trade practice, do not require carbonizing, neutralizing and/or dusting, 3¢ per lb., after adjustment has been made for color in accordance with subparagraphs (1) and (2) above.

(4) Seedy or burry wools which, in accordance with established trade practice, require carbonizing, neutralizing and/or dusting, 10¢ per lb., after adjustment has been made for color in accordance with subparagraphs (1) and (2) above: *Provided,* That where such wools are sold in a carbonized, neutralized and/or dusted state the actual charges plus an allowance for actual shrinkage may be added to the maximum price so long as the charges and shrinkage allowance are set forth in the invoice or similar document delivered to the purchaser.

* * * * *

§ 1410.62 *Appendix B: Maximum prices for wool tops and noils.* * * *

(b) *Wool noils.* The prices set forth below are maximum prices for wool noils in cents per pound ex combing plant or ex warehouse, or ex carbonizing plant, and shall include all commissions and other charges except as provided in subparagraph (3) of this paragraph (b). Terms of sale shall be cash less 1% up to 10 days or 60 days net cash.

NOBLE AND LISTER NOILS

Grades	Average to card noils not processed	Carbonized only clean basis	Carbonized neutralized clean basis	Carbonized dusted	Carbonized neutralized dusted	Carbonized neutralized dusted duplicated
70s	$0.73	$0.80	$0.83	$0.82	$0.85	$1.02
64s	.73	.83	.86	.86	.92	.09
60s, 64s	.74	.81	.84	.87	.90	.97
60s	.73	.80	.83	.85	.89	.96
58s	.70	.73	.81	.84	.87	.94
56s, 58s	.68	.76	.79	.82	.85	.92
50s	.69	.74	.77	.80	.83	.89
50s, 56s	.63	.71	.74	.77	.80	.87
50s	.61	.69	.72	.75	.78	.85
48s	.69	.67	.70	.73	.76	.83
46s	.68	.65	.68	.71	.74	.81
36s, 40s, 44s	.67	.63	.66	.69	.72	.79

FRENCH NOILS

70s	$0.67	$0.74	$0.77	$0.80	$0.83	$0.90
64s	.64	.71	.74	.77	.80	.87
60s, 64s	.62	.69	.72	.75	.78	.85
60s	.61	.68	.71	.74	.77	.84
58s	.63	.68	.68	.71	.74	.81
56s, 58s	.65	.62	.65	.68	.71	.78
50s	.62	.69	.62	.65	.68	.75
50s	.61	.68	.61	.64	.67	.74
48s	.48	.65	.63	.61	.64	.71
46s	.45	.63	.60	.59	.62	.69
36s, 40s, 44s	.42	.60	.63	.56	.59	.66

RECOMBED WHITE NOILS

Grades	Noble and lister	French
64s, 70s	$0.85	$0.83
60s, 64s	.80	.78
56s, 58s	.84	.74
48s, 50s and lower	.73	.63

NATURAL GREY NOILS

60s to 70s	$0.65	$0.60
56s and lower	.61	.47

COLORED NOILS

Grades	Noble and lister			
	First combing		Recombed	
	Mixed shades	Solid shades, khaki, pastel	Mixed shades	Solid shades, khaki, pastel
64s, 70s	$0.67	$0.65	$0.62	$0.70
60s, 64s	.62	.60	.57	.65
56s, 58s	.47	.55	.52	.60
48s, 50s and lower	.45	.53	.50	.53
	French			
64s, 70s	$0.50	$0.63	$0.55	$0.63
60s, 64s	.46	.54	.51	.59
56s, 58s	.42	.50	.47	.55
48s, 50s and lower	.37	.45	.42	.50

The maximum price for Recombed White Noils, Natural Grey Noils or Colored Noils which are carbonized only, carbonized and neutralized; carbonized and dusted; carbonized, neutralized and dusted; or carbonized, neutralized, dusted and depitched shall be a price in line with the maximum prices set forth above for the most closely related class, kind, type, condition and grade of Noble, Lister and French Noils on which the same processes have been performed.

(1) *Noils of choice character.* The maximum prices for noils of choice character shall be the maximum prices set forth above plus the following amounts:

70s to 58s, inclusive	2c
All other grades	3c

(2) *Maximum prices for blends.* The maximum price per pound for a blend of Noble and/or Lister noils with other types and kinds of noils shall be the sum of the maximum prices for the total quantity of each class, kind, type, condition, and grade of noils included in the blend divided by the total number of pounds in the blend.

(3) *Brokers' commissions.* In cases where a purchaser or a seller of wool noils employs a broker or other agent to make a purchase or sale on his behalf, a commission of not to exceed 1% of the applicable maximum price may be charged for such service and added to the applicable maximum price. A commission may not be charged to both buyer and seller on the same lot of wool noils. Such commission shall be payable only if: (i) the wool noils are purchased at a price not exceeding the applicable maximum price; (ii) it is shown as a separate charge on the invoice or similar document delivered to the purchaser; and (iii) the commission is not split or divided with the seller or with an agent or employee of the seller.

(4) *Invoices.* After June 9, 1942, every person making a sale of noils for which maximum prices are established in this Appendix shall deliver to the purchaser an invoice or similar document which shall show, in addition to the other items specifically required in this Revised Price Schedule No. 58, as amended: (i) the type and kind of noils shipped or delivered, indicating the processes to which they were subjected; (ii) the selling price per pound; and (iii) if the sale was of a blend, the quantity of each type and kind of noils included.

§ 1410.63 *Appendix C: Maximum prices for scoured domestic shorn wools.* The prices set forth in paragraph (a) below are maximum prices, f. o. b. Eastern Seaboard, for domestic shorn wools of average to good character sold in the scoured state. The maximum prices for such wools of choice character, for inferior wools and for carbonized, neutralized, dusted or depitched wools shall be determined in accordance with paragraphs (b), (c), (d) and (e) of this section. All maximum prices are prices per pound and shall include all commissions and other charges except as provided in paragraph (g) of this section. Terms of sale shall be cash less 1% up to 10 days or 60 days net cash.

(a) *Wools of average to good character.*

	Scoured wools, prices per pound	
	Sorted	Unsorted
WORSTED TYPE, GRADE AND LENGTHS		
Fine, 70s, 2 inches and longer	$1.29	$1.26
Fine, 64s and finer:		
2½ inches and longer	1.27	1.24
1½ to 2½ inches	1.22	1.19
½ Blood and Fine, 60s, 64s:		
2½ inches and longer	1.25	1.22
1½ to 2½ inches	1.20	1.17
½ Blood 60s:		
3 inches and longer	1.24	1.21
1½ to 3 inches	1.20	1.17
½ Blood 58s:		
3 inches and longer	1.17	1.14
2 to 3 inches	1.14	1.11
⅜ Blood 56s:		
3½ inches and longer	1.12	1.09
2 to 3½ inches	1.09	1.06
¼ Blood 50s:		
4 inches and longer	1.03	1.00
2 to 4 inches	1.00	.97
¼ Blood 48s:		
4 inches and longer	1.00	.97
2 to 4 inches	.98	.95
Low ¼ Blood 46s:		
5 inches and longer	.98	.95
3 to 5 inches	.96	.93
Under 3 inches	.94	.91
Common and Braid, 36s, 40s, 44s:		
5 inches and longer	.99	.96
Under 5 inches	.94	.91
WOOLEN TYPE, GRADE AND LENGTHS		
Fine, 64s, under 1½ inches, ½ Blood, 60s, under 1½ inches	1.17	1.14
½ Blood, 58s, under 2 inches	1.14	1.11
⅜ Blood, 56s, under 2 inches	1.09	1.06
¼ Blood, 50s, under 2 inches	1.04	1.01
¼ Blood, 48s, under 2 inches	.97	.95
	.96	.94

(b) *Wools of choice character.* The maximum prices for wools of choice character shall be the maximum prices set forth above plus the following amounts:

	Cents per pound
(1) Grades 70s to 58s, inclusive	3
(2) Grades 56s to 48s, inclusive	5
(3) Grades 46s and coarser	8

(c) *Inferior wools.* The maximum prices for inferior wools shall be determined by deducting from the applicable maximum prices for wools of average to good character, set forth in paragraph (a) of this section, the following amounts:

(1) Slightly stained wools, 2¢ per lb.

(2) Yellow or heavily stained wools, 5¢ per lb.

(3) Seedy or burry scoured wools not requiring carbonizing,[2] and cotts, 3¢ per lb., after adjustment has been made for color in accordance with (1) and (2) above.

(4) Seedy or burry scoured wools requiring carbonizing,[2] 10¢ per lb., after adjustment has been made in accordance with (1) and (2) above.

(5) Black or grey wools, 20¢ per lb.

(6) Dead wools, 25¢ per lb.

(7) Karrakul wools, 35¢ per lb.

(8) Wool containing fibers of sisal or binder twine, 10¢ per lb.

(9) Improved Navajo wools, 5¢ per lb.

(10) Unimproved Navajo wools, 10¢ per lb.

(d) *Carbonized, neutralized and/or dusted wools.* The maximum prices for carbonized, neutralized and dusted wool shall be determined by adding 5¢ to the applicable maximum price for scoured wool of average to good character set forth in paragraph (b) of this section. The maximum price for wool carbonized only, carbonized and neutralized, or carbonized and dusted shall be reduced to a price in line with the maximum price for the same class, kind, type, condition and grade of wool carbonized, dusted and neutralized.

(e) *Depitched wools.* If the wools are depitched, 7¢ per lb. may be added to the applicable maximum price after adjustment for carbonizing, neutralizing and dusting.

(f) *Wools sold in lots containing mixed grades and lengths.* When scoured domestic shorn wools are sold in lots containing different grades or lengths, the amounts of each grade and length included shall be determined by grading a sample portion of the lot or by an estimate made in accordance with established trade practices, and the maximum price for the quantity sold shall be based upon the applicable maximum price for each grade or length included.

(g) *Brokers' commissions.* In cases where a purchaser or a seller of scoured domestic shorn wool employs a broker or other agent to make a purchase or sale on his behalf, a commission of not to exceed 1% of the applicable maximum price may be charged for such services and added to the applicable maximum price set forth above. A commission may not be charged to both buyer and seller on the same lot of wool. Such commission shall be payable only if: (1) the wool is purchased at a price not exceeding the maximum price established by Revised Price Schedule No. 58, as amended, (2) it is shown as a separate charge on the invoice or similar document delivered to the purchaser and (3) the commission is not split or divided with the seller or with an agent or an employee of the seller. No such commission may be charged and added to the maximum price by cooperative marketing associations or other persons making sales of wool held on consignment from the grower.

(h) *Invoices.* After June 9, 1942, every person making a sale of scoured domestic shorn wools shall deliver to the purchaser an invoice or similar document which shall show, in addition to the other items specifically required in this Revised Price Schedule No. 58, as amended: (1) the class, kind, type, condition and grade of wool sold; and (2) the price contracted, received or paid therefor, indicating separately any adjustments made for processing or choice or inferior wools in conformity with the provisions of this paragraph.

[2] According to established trade practice.
[3] Supra.

§ 1410.64 *Appendix D: Maximum prices for wool yarns.* The maximum prices for Bradford weaving yarns, Bradford knitting yarns and French spinning yarns are set forth below in paragraphs (a), (b) and (c). In paragraphs (d) and (e) below, there are set forth the provisions for determining the maximum prices for yarns spun from blended foreign and domestic wool, and for yarns spun from blended wool and other fibres.

The maximum prices set forth below are for Bradford weaving yarns and Bradford knitting yarns with a regain not to exceed 13% and a maximum oil content of 4% and for French spinning yarns with a maximum regain of 15%.

(a) *Bradford weaving yarns.* The prices set forth below are maximum prices per pound, f. o. b. shipping point, for Bradford weaving yarns of the base count of 2/30s on Dresser spools or skeins. The maximum prices for yarns of other counts, for yarns on cones or cheeses and for yarns sold in the dyed state shall be determined in accordance with subparagraphs (1), (2) and (3) of this paragraph.

Terms of sale shall be cash less 2% up to 10 days or 60 days net cash.

Base count 2/30s on dresser spools or skeins

	70s	64s	62s	60s	58s	56s	50s	40/48s	46s	44s	40s
Domestic	$2.375	$2.325	$2.275	$2.25	$2.15	$2.05	$1.875	$1.775	.....	.....	.....
Foreign	2.175	2.10	2.05	2.00	1.95	1.925	1.85	1.75	$1.675	$1.425	$1.35

(1) (i) The maximum prices for Bradford weaving yarns of counts above 2/30s shall be the maximum prices set forth above to which shall be added:

1½¢ per count for each count from 2/31s to 2/40s.

2¢ per count for each count from 2/41s to 2/50s.

2½¢ per count for each count from 2/51s to 2/60s.

(ii) For counts less than 2/30s, one cent per count shall be subtracted for each count for 2/20s to 2/20s; yarns of counts below 2/20s shall have the same maximum prices as 2/20s.

(2) (i) For yarns delivered on cones or cheeses the maximum prices shall be two cents per pound less than the applicable maximum price for yarns delivered on Dresser spools or skeins.

(ii) The maximum prices for single yarns on cones, cheeses, and Dresser spools shall be the maximum prices for two ply yarns of the same count, on Dresser spools or skeins.

(iii) The maximum price for single yarn on spinning bobbins shall be 5 cents less than for two ply yarn of the same count on Dresser spools or skeins.

(3) The maximum prices for yarns sold in the dyed state shall be the applicable maximum price set forth above plus the following premiums:

Single combed black and white mixtures and solid colors	17½¢ per lb.
Double combed fancy mixes and solid colors	25¢ per lb.
Double combed double and twist	27½¢ per lb.
Double combed uniform twists	27½¢ per lb.
Blended yarns dyed	22½¢ per lb.

(b) *Bradford knitting yarns.* The prices set forth below are maximum prices per pound, f. o. b. shipping point, for Bradford knitting yarns of the base counts of 2/18 to 2/20s in skeins. The maximum prices for yarns of other counts, for yarns reeled to weight, for single yarns on cones, and for yarns sold in the dyed state shall be determined in accordance with subparagraphs (1), (2), (3) and (4) of this paragraph.

Terms of sale shall be cash less 3% up to 10 days, 2% up to 70 days and net cash thereafter.

Base counts 2/18 to 2/20s in skeins

	30/40s	40s	40/44s	44s	50s	50/56s	56s	58s	60s	62s	64s	70s
Domestic	.....	.....	.....	.....	$1.775	$1.85	$1.90	$2.00	$2.10	$2.15	$2.20	$2.25
Foreign	$1.20	$1.25	$1.375	$1.425	.....	1.75	1.825	1.85	1.925	1.95	2.00	2.05

(1) (i) The maximum prices for Bradford knitting yarns of counts above 2/20s shall be the maximum prices set forth above to which shall be added:

1¼¢ per count for each count from 2/21s to 2/30s.

1½¢ per count for each count from 2/31s to 2/40s.

2¢ per count for each count from 2/41s to 2/50s.

(ii) For counts less than 2/18s, one-half cent per count shall be subtracted for each count to 2/8s.

(2) The maximum prices for single yarns on cones shall be the maximum prices for two ply yarns of the same count on skeins.

(3) The following premiums may be added to the applicable maximum price for Bradford knitting yarns reeled to weight:

2½¢ per pound for 2 oz. skeins.
5¢ per pound for 1 oz. skeins.
12¢ per pound for skeins under 1 oz.

(4) The maximum prices for yarns sold in the dyed state shall be the applicable maximum prices set forth above plus the following premiums:

17½¢ per pound for 100% worsted yarns.

22½¢ per pound for blended yarns.

(c) *French spinning yarns.* The prices set forth below are maximum prices per pound, f. o. b. shipping point, for French spinning yarns of the base count of 1/30s on cops. The maximum prices for yarns of other counts, for coning, for twisting and for yarns sold in the dyed state shall be determined in accordance with subparagraphs (1), (2), (3), (4), (5), (6) and (7) of this paragraph.

Terms of sale shall be as follows: Underwear and hosiery yarns—cash less 2% up to 10 days E. O. M., net cash thereafter.

Weaving yarns—cash less 2% up to 10 days or 60 days net cash.

Outerwear yarns—cash less 3% up to 10 days, 2% up to 70 days and net cash thereafter.

Base count: 1/30s on cops

	70s	64s	62s	60s	58s	56s	50s
Domestic	$2.375	$2.225	$2.175	$2.125	$2.025	$1.95	$1.825
Foreign	2.075	2.00	1.95	1.90	1.85	1.825	1.775

(1) (i) The maximum prices for French spinning yarns of counts above 1/30s shall be the maximum prices set forth above to which shall be added:

1¢ per count for each count from 1/31s to 1/40s.

1½¢ per count for each count from 1/41s to 1/50s.

2¢ per count for each count from 1/51s to 1/60s.

2½¢ per count for each count from 1/61s to 1/70s.

(ii) For counts less than 1/30s, one-half cent per count shall be subtracted for each count from 1/20s to 1/20s; yarns of counts below 1/20s shall have the same maximum price as 1/20s.

(2) The maximum prices for yarns sold on cones shall be the applicable maximum price set forth above plus the following premiums:

5¢ per pound for 1/20s or lower.
6¢ per pound for 1/21s to 1/30s.
7¢ per pound for 1/31s to 1/40s.
8¢ per pound for 1/41s to 1/50s.
10¢ per pound for 1/51s to 1/60s.
12½¢ per pound for 1/61s to 1/70s.

(3) The maximum prices for single yarns sold on Dresser spools shall be the applicable maximum price set forth plus the following premiums:

7¢ per pound for 1/20s or lower.
8¢ per pound for 1/25s to 1/30s.
9¢ per pound for 1/31s to 1/40s.
10¢ per pound for 1/41s to 1/50s.
12¢ per pound for 1/51s to 1/60s.
14½¢ per pound for 1/61s to 1/70s.

(4) The maximum prices for single yarns sold in skeins shall be the applicable maximum price set forth plus the following premiums:

8¢ per pound for 1/20s or lower.
9¢ per pound for 1/21s to 1/30s.
10¢ per pound for 1/31s to 1/40s.
11¢ per pound for 1/41s to 1/50s.

13¢ per pound for 1/51s to 1/60s.
15½¢ per pound for 1/61s to 1/70s.

(5) The maximum prices for twisted yarns shall be the applicable maximum price set forth above plus the following premiums:

11¢ per pound for 2/20s.
13¢ per pound for 2/21s to 2/24s.
14¢ per pound for 2/25s and 2/26s.
15¢ per pound for 2/27s to 2/30s.
17½¢ per pound for 2/31s to 2/40s.
20¢ per pound for 2/41s to 2/50s.
24¢ per pound for 2/51s to 2/55s.
28¢ per pound for 2/56s to 2/60.

(6) The maximum prices for single warp yarns sold on cops shall be the applicable maximum price set forth plus the following premiums:

2½¢ per pound for 1/20s to 1/24s.
3¢ per pound for 1/25s to 1/30s.
4¢ per pound for 1/31s to 1/34s.

(7) The maximum prices for French yarns sold in the dyed state shall be the applicable maximum price set forth above plus the following premiums:

	Cents
Single combed black and white mixtures and solid colors	17½
Double combed fancy mixes and solid colors	25
Double combed double and twist	27½
Double combed uniform twists	27½
In skeins	17½
For blended yarn in skeins	22½

(d) *Yarns spun from blended foreign and domestic wool.* When yarns are spun from blended foreign and domestic wool, the maximum price shall be a price reduced from the applicable maximum price for yarns spun from domestic wool toward the applicable maximum price for yarns spun from foreign wool, in proportion to the percentage of foreign wool in the blend.

(e) *Yarns spun from blended wool and other fibers.* Where yarns are spun from blended wool and other fibers, the maximum price shall be a price reduced from the applicable maximum price for yarns spun from wool by the amount thereby saved in raw material costs. In computing such costs the following percentages of the costs of the raw materials shall be added to cover losses due to waste:

Up to 20% wool content add 10%.
From 21% to 40% wool content add 8%.
From 41% to 80% wool content add 6%.
From 81% to 95% wool content add 4%.

(f) *Woolen sales yarns.* The maximum prices for woolen sales yarns shall be determined in accordance with subparagraphs (1), (2), (3) and (4) of this paragraph. All such prices shall be f. o. b. shipping point with terms of sale as follows:

Weaving yarns—cash less 2% up to 10 days or 60 days net cash.
Outerwear yarns—cash less 3% up to 10 days, 2% up to 70 days and net cash thereafter.

(1) *Woolen sales yarns sold on spinning cops.* The maximum prices for woolen sales yarns sold on spinning cops shall be determined by adding to the actual cost of the raw material used the applicable amount per pound set forth in the table below. In determining raw-material costs, only the actual cost of the blended fibres plus a shrinkage allowance of not to exceed 10% may be used.

Base 2 run 38¢ per pound.
Base 2½ run 44¢ per pound.
Base 3 run 50¢ per pound.
Base 3½ run 56¢ per pound.
Base 4 run 62¢ per pound.
Base 4½ run 68¢ per pound.
Base 5 run 74¢ per pound.
Base 5½ run 80¢ per pound.
Base 6 run 86¢ per pound.

(2) *Woolen sales yarns sold on cones, tubes, Dresser spools or reelings.* The maximum prices for woolen sales yarn sold on cones, tubes, Dresser spools or reelings shall be the applicable maximum price for woolen sales yarns sold on spinning cops set forth in subparagraph (1) of this paragraph plus the following premiums:

3¢ per pound for 2 run or lower.
4½¢ per pound for 3 run or lower.
6¢ per pound for 4 run or lower.
7½¢ per pound for 5 run or lower.
9¢ per pound for 6 run or lower.

(3) *Twisted woolen sales yarns.*—The maximum prices for twisted woolen sales yarns shall be the applicable maximum prices for woolen sales yarns set forth in subparagraphs (1) or (2) of this paragraph plus the following premiums:

5¢ per pound for 2 run or lower.
7½¢ per pound for 3 run or lower.
10¢ per pound for 4 run or lower.
12½¢ per pound for 5 run or lower.
15¢ per pound for 6 run or lower.

(4) *Woolen sales yarns sold in the dyed state.* The maximum prices for woolen sales yarns sold in the dyed state shall be the applicable maximum prices set forth in subparagraphs (1), (2) or (3) of this paragraph, plus 12¢ per pound.

(g) *Premiums for sales by yarn jobbers.* The maximum prices for wool yarns converted by a yarn jobber from an undyed to a dyed state shall be the applicable maximum price for yarns sold in the dyed state, set forth in this section, plus 7½ cents per pound: *Provided,* That (1) for the purpose of this paragraph the term "yarn jobber" shall be restricted to a person, other than a spinner, who purchases yarn in the undyed state and dyes it or has it dyed for his account for the purpose of resale and (2) the premiums permitted by this paragraph may not be added to the maximum prices for woolen sales yarns.

(h) *Invoices.* After June 9, 1942, every person making a sale of yarns for which maximum prices are established in this Appendix shall deliver to the purchaser an invoice or similar document which shall show: (1) The percentage of the foreign and domestic wool tops used in the manufacture of the yarns sold; (2) if the yarn is sold in a blend, the percentage of each type and kind of fibers included; and (3) the selling price per pound.

§ 1410.65 *Appendix E: Maximum prices for foreign shorn wools.*—(a) *Unscoured South American shorn wools.* The prices set forth below are maximum prices per pound for unscoured South American shorn wools of United States official standard grades, clean basis, cost and freight, in bond, delivered in warehouse eastern seaboard. When sold duty paid, an amount not exceeding the duty actually paid may be added to the applicable maximum price.

The maximum prices shall include commissions and all other charges except as provided in subparagraphs (4) and (5) of this paragraph.

* * * * *

(1) *Inferior wools.* * * *

(iii) Seedy or burry wools not requiring carbonizing,[2] and cotts, 3¢ per lb., after adjustment has been made for color in accordance with (i) and (ii) above.

(iv) Seedy or burry wools requiring carbonizing,[2] 10¢ per lb., after adjustment has been made in accordance with (i) and (ii) above.

* * * * *

(b) *South American shorn wools imported in the scoured state.*—(1) *Maximum prices for South American shorn wools imported in the scoured state.* The maximum prices for South American shorn wools imported in the scoured state shall be 2¢ per lb. scoured above the applicable clean basis prices listed for South American shorn wools imported in the greasy or washed condition.

(2) *Dealers' margins and brokers' commissions.* The provisions of subparagraphs (3) and (4) of paragraph (a) of this section shall be applicable to sales by dealers and brokers of South American shorn wools imported in the scoured state.

(3) *Carbonized, neutralized and dusted wools.* The maximum prices for carbonized, neutralized and dusted wool shall be determined by adding 5¢ to the applicable maximum price for wool of average to good quality set forth above. The maximum price for wool carbonized only, carbonized and neutralized, or carbonized and dusted shall be reduced to a price in line with the maximum price for the same class, kind, type, condition and grade of wool carbonized, dusted and neutralized.

* * * * *

(c) *South American shorn wools scoured in the United States.* The prices set forth below are maximum prices, f. o. b. shipping point, for South American shorn wools of average to good character scoured in the United States. The maximum prices for such wools of choice character, for inferior wools and for carbonized, neutralized or dusted wools shall be determined in accordance with subparagraphs (2), (3) and (4) of this paragraph. All maximum prices

[2] According to established trade practice.

are for wools of United States official standard grades, duty paid, on a price per pound basis and shall include all commissions and other charges except as provided in subparagraph (5) of this paragraph. The maximum prices for scoured South American shorn wools may be increased by the charges actually paid for marine and war risk insurance on the wool imported in a grease state. Terms of sale shall be cash less 1% up to 10 days or 60 days net cash.

(1) *Wools of average to good character.*

U. S. official standard grades	Montevideo, Punta, Magellanes, Entre Rios, Concordia, Corriente					
	Good combing fleeces (practically free)		Best pieces		Bellies and pieces	
	Sorted	Unsorted	Sorted	Unsorted	Sorted	Unsorted
64s and finer	$1.19	$1.16	$1.16	$1.13	$1.13	$1.10
60s, 64s	1.17	1.14	1.14	1.11	1.11	1.08
60s	1.16	1.13	1.13	1.10	1.10	1.07
58s, 60s	1.13	1.11	1.10	1.08	1.07	1.05
56s, 58s	1.10	1.08	1.07	1.05	1.04	1.02
56s	1.08	1.06	1.05	1.03	1.02	1.00
50s, 56s	1.06	1.04	1.02	1.00	.99	.97
50s	1.04	1.02	1.00	.98	.97	.95
46s, 50s	1.02	1.00	.97	.95	.92	.90
46s, 48s	.99	.97	.94	.92	.89	.87
46s	.95	.93	.89	.87	.84	.82
44s	.89	.78	.74	.72	.69	.67
40s and lower	.71	.69	.65	.63	.60	.58

U. S. official standard grades	Buenos Aires, Patagonia, Bahia Blanca, Pampa, San Julian, Santa Cruz, Rio Negros, Chubut, Tierra del Fuego, Cordellera, Deseado, Rio Gallegos, Brazilian					
	Good combing fleeces (practically free)		Best pieces		Bellies and pieces	
	Sorted	Unsorted	Sorted	Unsorted	Sorted	Unsorted
64s and finer	$1.19	$1.16	$1.14	$1.11	$1.11	$1.08
60s, 64s	1.14	1.11	1.12	1.09	1.09	1.06
60s	1.13	1.10	1.11	1.08	1.08	1.05
58s, 60s	1.10	1.08	1.08	1.06	1.06	1.03
56s, 58s	1.07	1.05	1.05	1.03	1.02	1.00
56s	1.05	1.03	1.03	1.01	1.00	.98
50s, 56s	1.03	1.01	1.00	.98	.97	.95
50s	1.01	.99	.98	.96	.95	.93
46s, 50s	.93	.95	.95	.93	.92	.90
46s, 48s	.95	.93	.92	.90	.89	.87
46s	.90	.88	.87	.85	.84	.82
44s	.71	.69	.68	.66	.65	.63
40s and lower	.54	.52	.52	.50	.50	.48

SOUTH AMERICAN SECOND CLIP AND LAMBS' WOOL

U. S. official standard grades	Montevideo, Punta, Magellanes, Entre Rios, Concordia, Corriente, Buenos Aires, Patagonia, Bahia Blanca, Pampa, San Julian, Santa Cruz, Rio Negro, Chubut, Tierra del Fuego, Cordellera, Deseado, Rio Gallegos, Brazilian			
	Sorted	Unsorted	Sorted	Unsorted
60s and finer	$1.03	$1.05	$1.05	$1.03
58s, 60s	1.04	1.02	1.03	1.01
56s, 58s	1.01	.99	1.00	.98
56s	.99	.97	.97	.95
50s, 56s	.97	.95	.95	.93
46s, 50s	.95	.93	.93	.91
46s	.92	.90	.90	.88
44s	.72	.70	.71	.69
40s and lower	.62	.60	.54	.52

CHILEAN WOOLS

U. S. official standard grades	Valdivia, Orsono, Talcahuana, Conception			
	Sorted	Unsorted	Sorted	Unsorted
60s, 64s	$1.14	$1.11		
58s, 60s	1.07	1.05	$1.04	$1.02
56s, 58s	1.03	1.01	1.00	.98
50s, 56s	1.01	.99	.98	.96
48s, 50s	.98	.96	.96	.94
46s, 48s	.90	.88	.90	.88

PERUVIAN WOOLS

U. S. official standard grades	Improved Peruvian	
	Sorted	Unsorted
64s	$1.17	$1.14
60s, 64s	1.14	1.12
58s, 60s	1.08	1.06
56s, 58s	1.03	1.01
50s, 56s	.93	.91
46s, 48s	.93	.91
	Ordinary Peruvian wools	
Merino 60s, 64s	$1.10	$1.08
No. 1, 58s, 60s	1.06	1.04
No. 2, 46s, 56s (Kempy)	.83	.82
Gray	.83	.85

(2) *Inferior wools.* The maximum prices for inferior wools shall be determined by deducting from the applicable maximum prices for shorn foreign wools imported in the greasy or washed condition and scoured in the United States, set forth in subparagraph (1) above, the following amounts:

(i) Slightly stained wools, 2¢ per lb.

(ii) Yellow or heavily stained wools, 5¢ per lb.

(iii) Seedy or burry wools not requiring carbonizing[2] and cotts, 3¢ per lb., after adjustment has been made for color in accordance with (i) and (ii) above.

(iv) Seedy or burry scoured wool requiring carbonizing,[2] 10¢ per lb., after adjustment has been made in accordance with (i) and (ii) above.

(3) *Wools of choice character.* The maximum prices for scoured wools of choice character shall be the maximum prices set forth above plus the following amounts:

(i) Grades 70s to 58s, 60s, inclusive, 3¢ per lb.: *Provided,* That the wools show good merino character, were imported in fully skirted super fleeces, freedom from burrs or other deleterious vegetable matter, freedom from kempy or hairy fibers, freedom from tender wools, evenness of grade and length, and good strength.

(ii) Grades 56s, 58s, to 46/48s, inclusive, 5¢ per lb., and

(iii) Grades 46s to 40s and below, inclusive, 8¢ per lb. *Provided,* That wools of the grades enumerated in subdivisions (ii) and (iii) show good medium or coarse crossbred or Lincoln character, unusual length and evenness in length and grade, were imported in fully skirted super fleeces, freedom from burrs and other deleterious vegetable matter, freedom from hairy or kempy fibers, freedom from tender wool, good strength and high degree of lustre.

(4) *Carbonized, neutralized and dusted wools.* The maximum prices for carbonized, neutralized and dusted wool shall be determined by adding 5¢ to the applicable maximum price for scoured wool of average to good character set forth in subparagraph (1) of this paragraph. The maximum price for wool carbonized only, carbonized and neutralized, or carbonized and dusted shall be reduced to a price in line with the maximum price for the same class, kind, type, condition and grade of wool carbonized, dusted and neutralized.

(5) *Brokers' commissions.* In cases where a purchaser or a seller of wools covered by this paragraph (c) employs a broker or other agent to make a purchase or sale on his behalf, a commission of not to exceed 1% of the applicable duty paid maximum price may be charged for such service and added to the increased maximum price. A commission may not be charged to both buyer and seller on the same lot of wool. Such commission shall be payable only if (i) the wool is purchased at a price not exceeding the applicable maximum price (ii) it is shown as a separate charge in the invoice or similar document delivered to the purchaser and (iii) the commission is not split or divided with the seller or an agent or an employee of the seller.

(6) *Invoice.* After June 9, 1942, every person making a sale of South American shorn wools secured in the United States covered by this paragraph shall deliver to the purchaser an invoice or similar document which shall show: (i) the class, kind, type, condition and grade of wool sold; and (ii) the price contracted, received or paid therefor, indicating sep-

[2] According to established trade practice.

arately any adjustments made for processing choice or inferior wools or marine and war risk insurance in conformity with the provisions of this paragraph.

* * * * *

(d) *Australian, New Zealand, South African and other British Wool Control Shorn Wools.* * * *

(4) *Terms of sale for British Wool control wools.* Terms of sale shall be cash less 1% up to 10 days or 60 days net cash.

(5) *Brokers' commissions.* In cases where a purchaser or a seller of wools covered by this paragraph employs a broker or other agent to make a purchase or sale on his behalf, a commission of not to exceed 1% of the applicable in bond maximum price may be charged for such service and added to the applicable maximum price. Such a commission may not be added to the increased maximum price applicable to sales by dealers provided for in subparagraph (1) above. A commission may not be charged to both buyer and seller on the same lot of wool. Such commission shall be payable only if (i) the wool is purchased at a price not exceeding the applicable maximum price (ii) it is shown as a separate charge in the invoice or similar document delivered to the purchaser and (iii) the commission is not split or divided with the seller or an agent or an employee of the seller.

§ 1410.60 *Effective dates of amendment.* * * *

(g) Amendment No. 5 (§§ 1410.61, 1410.62, 1410.63, 1410.64, and 1410.65) to Revised Price Schedule No. 58, as amended, shall become effective June 10, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 5th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5289; Filed, June 5, 1942; 11:42 a. m.]

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

[General Order No.[1]—Supplement 4]

PART 301—REGULATIONS AFFECTING MARITIME CARRIERS

UNIFORM SUGAR CHARTER FOR TRANSPORTATION OF CUBAN SUGAR

Whereas, from time to time the War Shipping Administration will deem certain vessels suitable for the transportation of sugar, either as full or part cargo, from Cuban ports to United States Atlantic and Gulf ports, and

Whereas, there is need for uniformity of terms and conditions under which such sugar cargoes shall be carried;

Now, therefore, it is hereby ordered, That:

§ 301.1d *Uniform sugar charter for transportation of Cuban sugar.* (a) The attached form of sugar charter party identified as Form No. 105, Warshipsugar, 5/20/42,[2] is hereby adopted as the uniform charter for the carriage of sugar from Cuban ports to United States Atlantic and Gulf ports.

(b) Appropriate special provisions shall be inserted, either by addendum or by insertion, as the owner and the War Shipping Administration shall agree.

(c) The terms and conditions of such charter party shall become effective with respect to vessels chartered on and after June 8, 1942. (E.O. 9054, 7 F.R. 837)

By order of the War Shipping Administration.

[SEAL] W. C. PEET, JR.,
Secretary.

JUNE 5, 1942.

Form No. 105
Warshipsugar 5/20/42

WAR SHIPPING ADMINISTRATION

SUGAR CHARTER PARTY

This Charter Party, made and concluded the _____ day of _____ between _____ Owner/Chartered Owner of the good _____ Vessel _____ of _____ built _____ at _____ classed _____ at _____ of the measurement of _____ tons net register according to _____ now _____, and _____ Charterer.

WITNESSETH, That the said Owner agrees on the freighting and chartering of the whole of said Vessel (with the exception of the deck, cabin and necessary room for the crew and storage of provisions, sails, cables and fuel), or sufficient room for the cargo hereinafter mentioned to the Charterer, for a voyage from_____

_____

Vessel to load at not more than two berths or loading places in any one port or its jurisdiction, same to count as one port of loading, except that if Vessel loads in the Manzanillo district, only one sub-port to be used at the one port rate), or as near thereunto as she can safely proceed and always lie afloat with safety, to_____

_____

to be declared upon signing of Bills of Lading (Charter Party), on the following terms and conditions:

First. The said Vessel shall be tight, staunch, strong, and in every way fitted for such a voyage as far as the exercise of due diligence can make her so, and, except as hereinafter provided as to seaworthiness and latent defects, shall receive on board during the aforesaid voyage the merchandise hereinafter mentioned.

Second. The Vessel, her Master and Owner, shall not, unless otherwise in this Charter expressly provided, be responsible for any loss or damage or delay or failure in performing hereunder, arising or resulting from: Any act, neglect, default or barratry of the Master, pilots, mariners or other servants of the Owner in the navigation or management of the vessel; fire, unless caused by the personal design or neglect of the Owner; collision, stranding, or peril, danger or accident of the sea or other navigable waters; saving or attempting to save life or property; wastage in weight or bulk, or any other loss or damage arising from inherent defect, quality or vice of the cargo; any act or omission of the Charterer, the Owner, the shipper or consignee of the cargo, their agents or representatives, insufficiency of packing, insufficiency or inadequacy of marks; explosion, bursting of boilers, breakage of shafts, or any latent defect in hull, equipment or machinery; unseaworthiness of the Vessel unless caused by want of due diligence on the part of the Owner to make the Vessel seaworthy or to have her properly manned, equipped and supplied; or from any other cause of whatsoever kind arising without the actual fault or privity of the Owner. And neither the Vessel, her Master or Owner, nor the Charterer, shall, unless otherwise in this Charter expressly provided, be responsible for any loss or damage or delay or failure in performing hereunder arising or resulting from: Act of God, act of war, act of public enemies, pirates; or assailing thieves; arrest or restraint of princes, rulers or people, or seizure under legal process; strike or lockout or stoppage or restraint of labor from whatever cause; either partial or general; or riot or civil commotion. The Vessel shall have liberty to sail with or without pilots, to tow or to be towed, to go to the assistance of vessels in distress and to deviate for the purpose of saving life or property or of landing any ill or injured person on board. No exemption afforded to the Charterer under this clause shall diminish its obligations for hire under the other provisions of this Charter.

Third. The Charterer shall provide and furnish a full and complete cargo under deck _____ of sugar in bags of about 330 pounds each (the Owner estimates but does not guarantee that the Vessel will carry _____ bags of about 330 pounds each) and to pay to the Owner, for the use of said Vessel during the voyage aforesaid:

Freight on sugar in bags, per 100 pounds, gross landed weight as determined by Public Weighers as follows:

_____

_____

_____

If to:

_____

_____

_____

Freight shall be payable as follows: Seventy-five per cent (75%) of freight payable in cash on the basis of gross bill of lading weight on arrival of Vessel at discharging berth to the order of Vessel, Owner, Operator or Agent, and on final discharge of cargo any over or short payment to be adjusted on the gross landed weight as determined by Public Weighers' returns, free of discount or interest, at discharging berth. Bills for demurrage and/or despatch, discharging and wharfage to be settled at time of final settlement of freight.

Freight to be considered earned on completion of loading and nonreturnable Vessel and/or cargo lost or not lost, and in the event of loss of Vessel freight is to be paid on gross bill of lading weight.

Fourth. Lay days at the rate of 7,000 bags of about 330 pounds each or equivalent, per running day of 24 hours, weather permitting, Sundays and holidays not excepted, unless Vessel arrives after the end of the working day preceding a Sunday or holiday too late to permit shippers and Vessel's agents to make necessary arrangements for delivery of cargo alongside Vessel and stevedoring personnel for working on Sundays or holidays, shall be allowed to the said Charterer (if vessel is not sooner loaded) for loading and shall be continuous; time employed in shifting ports, different anchorages or loading places within the same port or its jurisdiction to count as lay days. Lay days for loading to begin (unless loading commences sooner) at the beginning of the next working period after Captain reports Vessel ready to receive

[1] 7 F.R. 1505, 1548, 2320.

[2] Copies of the Sugar Charter Party, Form No. 105 Warshipsugar, 5/20/42 may be obtained from the U. S. Maritime Commission, Washington, D. C.

cargo, whether berthed or not. It is understood that the 7,000 bags or equivalent referred to herein must be loaded into the ship by the Vessel, and any overtime (exclusive of ship's personnel overtime), incurred in order to load this quantity shall be shared equally by Vessel and cargo, but Charterer is obliged to have sufficient cargo alongside at all times to enable Vessel to load at the rate of 7,000 bags or equivalent referred to herein, and should extra expenses be incurred due to failure of Charterer to have sufficient cargo alongside, all such extra expenses incurred shall be for account of Charterer.

If the Vessel arrives at loading port within cancellation period, and there is a strike of stevedores or other Vessel's servants in effect at the port, lay days for loading shall begin at first working period after settlement of strike, unless loading begins sooner.

In the event of a strike or strikes, riot or riots, or any other unavoidable hindrance which may prevent the delivery of cargo, and Charterer is unwilling to pay demurrage as provided below, Owner reserves the right to despatch the Vessel with such portion of cargo as may then be on board, or in ballast, if no cargo has been loaded. In either case Charterer not to be liable for dead freight or demurrage or both on cargo which is not loaded up to the time of commencement of such hindrance. Vessel Owner to notify Charterer prior to withdrawal of the Vessel.

Lay days for discharging to begin (unless discharging commences sooner) at the beginning of the next working period after Captain reports Vessel ready to discharge cargo, whether in berth or not, Sundays and holidays not excepted, unless Vessel arrives on the evening preceding a Sunday or holiday too late to permit receivers to make necessary arrangements for plant and stevedoring personnel for working on Sunday or holidays. The working period for Sunday or holiday work shall be considered as the same time as the working period for any other day, any custom of the port to the contrary notwithstanding, but not more than 24 hours to be allowed for this exemption.

Any time used rigging, removing hatches and preparing staging to count as lay time unless done before lay time commences. At discharging port, in the event of strike of stevedores or other ship's servants, the lay days for discharging shall begin at first working period after settlement of strike, unless discharge begins sooner.

Cargo to be received at port of discharge at the rate of not less than 10,500 bags of about 330 pounds each, or equivalent, per running day of 24 hours, weather permitting, Sundays and holidays not excepted.

Lay days are not reversible.

If Vessel is unable to load or discharge at the rates provided, lay days shall be computed on the basis of the Vessel's capacity for loading or discharging.

Stevedores at loading port to be appointed by Owner or his agent, Vessel paying rates not exceeding those in effect at loading port on March 16, 1942, including compensation insurance and other charges of any nature pertaining to loading. The rate of freight mentioned above is predicated on such stevedoring rates and any increase in same to be for account of cargo.

If cargo is discharged at a Florida or U. S. Gulf port for transshipment to a refinery at another U. S. port, Charterer will designate wharf or dock at which cargo is to be discharged and will nominate stevedores to perform the discharging operation at current rates, it being further understood that rates for stevedoring are not to exceed those in effect at New Orleans refineries on September 15, 1941. If Vessel discharges at any refinery, receivers to appoint stevedores, same to be paid for by the Owner, but it is understood and agreed that any increase in the cost of stevedoring for raw sugar at a refinery in excess of the rates current September 15, 1941, is to be for account of cargo.

It is understood that the cargo is to be received and delivered alongside the Vessel within reach of the ship's tackle, and any lighterage is to be at the risk and expense of the cargo.

Demurrage in loading and discharging, except as otherwise provided herein, shall be payable by the Charterer or his agent, day by day, on the basis of _____ cents (____¢) U. S. Currency per net registered tonnage of Vessel per day. Despatch money in loading and discharging shall be payable to the Charterer or his agent, if earned, at the rate of _____ cents (____¢) U. S. Currency per net registered tonnage of Vessel per lay day saved on cargo vessels and at the rate of _____ cents (____¢) U. S. Currency per ton of cargo carried per lay day saved on vessels definitely named at time of charter as mail vessels or vessels operating on customary scheduled sailings with general cargo.

If such Vessel operating on customary scheduled sailings elects to deliver by lighter instead of at berth designated by the Charterer or his agent, the cargo may be so discharged into lighters at the risk of the cargo but at the expense of the Vessel, and it is mutually understood and agreed that each lighter shall be discharged within five (5) days after same is loaded, and for each and every day's detention of the lighter or lighters beyond the free period, demurrage shall be paid by the cargo at the current rate of the port for each lighter so detained and shall constitute a lien on the goods, but no demurrage shall accrue to the Vessel.

On mail vessels and on vessels operating on customary scheduled sailings, no demurrage shall be charged at port of loading, but the Owner reserves the right to sail the Vessel without cargo, and the Charterer shall be liable for dead freight if cargo is not tendered in time to enable the Vessel to load and sail on schedule.

If demurrage is incurred or despatch is earned, it shall be computed on the basis of a twenty-four (24) hour day.

Demurrage at loading ports shall be endorsed upon bills of lading, but whether so endorsed or not, upon proof of its having been incurred, shall become a lien upon the cargo and shall be collectible in the same manner as the freight money.

Despatch at loading port shall be endorsed upon bills of lading, but, whether so endorsed or not, upon proof of its having been earned, shall be deducted upon statement of freight.

In the event of any stoppage of work caused by adverse weather conditions, lay days shall be extended for a corresponding period in the determination of demurrage but not in the determination of despatch.

Shore Tally-men, if required, to be employed by the vessel at the expense of the vessel.

Fifth. Bills of lading on approved form shall be signed without prejudice to this charter, and subject to this contract as to freight, dead freight, and all other conditions, including loading, discharging, demurrage and despatch. Captain to sign bills of lading as presented for full or partial lots as soon as sugar is loaded on board, making proper notation on bills of lading of "not cargo bags." All bags are to be considered cargo bags unless otherwise specified and stowed separately.

Sixth. Public Weighers' count shall be used in determining outturn of cargo, and if there be any dispute in reference to count, an adjustment of such dispute must be arrived at immediately as the truck passes over the Public Weighers' scale, which must be located near the Government scale, and this adjustment must be made by a representative each of the Shipper, the Vessel, and the Consignee, and the decision arrived at by a majority of these three parties is to be final and binding on all parties hereto. Vessel shall be furnished with as many copies of Public Weighers' certificate as may be required, free of charge.

The Vessel is to deliver the total number of bags of sugar as shown by the bills of lading. Should the Vessel fail to deliver the number of bags specified in the bills of lading the Vessel owner or agent shall pay for such shortage to the Shipper or his agent, at the market quotation on the date of entry at the Custom House at the port of discharge, less freight. In the event of the Vessel having aboard a greater number of bags of sugar than called for by the bills of lading, such greater number of bags are to be delivered where landed to the order of the Shipper or his agent. All sugar cargo on board to be delivered.

Seventh. The Vessel shall have the liberty to tow and be towed, and to assist vessels in all situations, and to call at any port or ports for coal or other supplies or both.

Eighth. Extra insurance premium, if any, above the customary minimum rates, to be paid by the Vessel, but in no case more than _____ cents ____c) per $100.00; which sum is to be deducted from the freight charges.

Ninth. The cargo or cargoes shall be delivered and received alongside the Vessel, where she can load and discharge always safely afloat, and proceed and return always safely afloat, within reach of her tackles; and lighterage and also extra lighterage, if any, shall be at the risk and expense of the cargo.

Tenth. The Vessel shall be discharged at such wharf as Charterer may designate, where she shall pay not more than the established legal rate of wharfage, and where she may safely lie afloat and wholly alongside. The Vessel is to leave receiver's berth immediately upon completing delivery, weather and tide permitting. The Vessel will discharge at a second berth at the same discharging port, provided that the consignee pays for all extra expense of shifting, time for shifting to count.

Eleventh. The Vessel shall have an absolute lien on cargo, for freight, dead freight and demurrage, and any other charges due hereunder.

Twelfth. Lay days, if required by Charterer shall not commence before _____ _____. Charterer or his agent have the privilege of cancelling this charter should the Vessel not be at loading port ready for cargo by _____.

Thirteenth. Owner to appoint and pay agents at loading and discharging ports to attend to ship's business.

Fourteenth. The Vessel shall be free of all weighing expenses at port of discharge, notwithstanding any custom of the port to the contrary.

Fifteenth. Any and all differences and disputes of whatsoever nature arising out of this charter shall be put to arbitration at the final place of discharge unless the parties hereto otherwise agree pursuant to the provisions of the United States Arbitration Act (Title 9 of U.S.C., Chapter 213 of the Act of Feb. 12, 1925, 43 Stat. 883) except that the provisions of section 8 thereof shall not apply to any arbitration hereunder. The decision of any two of the three on any point or points shall be final. Either party hereto may call for such arbitration by service upon any officer of the other, wherever he may be found, of a written notice specifying the name and address of the arbitrator chosen by the first moving party and a brief description of the disputes or differences which such party desires to put to arbitration. If the other party shall not, by notice served upon an officer of the first

moving party within twenty days of the service of such first notice, appoint its arbitrator to arbitrate the dispute of differences specified, then the first moving party shall have the right without further notice to appoint a second arbitrator, who shall be a disinterested person, with precisely the same force and effect as if said second arbitrator had been appointed by the other party. In the event that the two arbitrators fail to appoint a third arbitrator within twenty days of the appointment of the second arbitrator, either arbitrator may apply to a Judge of any court of maritime jurisdiction in the city above mentioned for the appointment of a third arbitrator, and the appointment of such arbitrator by such Judge on such application shall have precisely the same force and effect as if such abitrator had been appointed by the two arbitrators. Until such time as the arbitrators finally close the hearings either party shall have the right by written notice served on the arbitrators and on an officer of the other party to specify further disputes or differences under this Charter for hearing and determination. Awards made in pursuance to this Clause may include costs, including a reasonable allowance for attorney's fees, and judgment may be entered upon any award made hereunder in any Court having jurisdiction in the premises.

Sixteenth. Neither the carrier nor any corporation owned or employed by, subsidiary to or associated or affiliated with or furnishing wharfage to the carrier shall be liable for any loss or damage to the goods occurring at any time, and even though before loading on or after discharge from the vessel, by reason of any fire whatsoever, unless such fire shall be caused by its design or neglect.

Seventeenth. A commission of 1¼% upon the gross freight under this Charter is due and payable by the Vessel and Owner, upon payment of freight, to Charterer's Brokers.

All arrangements for weighers, samplers and other Customs formalities in connection with the cargo to be taken care of by the consignees and any delay in loading or discharging due to the failure of consignees to make such arrangements shall count as laytime.

Eighteenth. All bills of lading issued hereunder shall contain, directly or by reference, the following clauses:

(i) *Clause paramount.* "This bill of lading shall have effect subject to the provisions of the Carriage of Goods by Sea Act of the United States, approved April 16, 1936, which shall be deemed to be incorporated herein, and nothing herein contained shall be deemed a surrender by the carrier of any of its rights or immunities or an increase of any of its responsibilities or liabilities under said Act. If any term of this bill of lading be repugnant to said Act to any extent, such term shall be void to that extent but no further."

(ii) *Both-to-blame collision clause:* "If the ship comes into collision with another ship as a result of the negligence of the other ship and any act, neglect or default of the master, mariner, pilot or the servants of the carrier in the navigation or in the management of the ship, the owners of the goods carried hereunder will indemnify the carrier against all loss or liability to the other or noncarrying ship or her owners in so far as such loss or liability represents loss of, or damage to, or any claim whatsoever of the owners of said goods, paid or payable by the other or noncarrying ship or her owners to the owners of said goods and set-off, recouped or recovered by the other or noncarrying ship or her owners as part of their claim against the carrying ship or carrier. The foregoing provisions shall also apply where the owners, operators or those in charge of any ship or ships or objects other than, or in addition to, the colliding ships or objects are at fault in respect of a collision or contact."

(iii) *General average clause:* "General average shall be adjusted, stated, and settled, according to Rules 1 to 15, inclusive, 17 to 22, inclusive, and Rule F of York-Antwerp Rules 1924, at such port or place in the United States as may be selected by the carrier, and as to matters not provided for by these Rules, according to the laws and usages at the port of New York. In such adjustment, disbursements in foreign currencies shall be exchanged into United States money at the rate prevailing on the dates made and allowances for damage to cargo claimed in foreign currency shall be converted at the rate prevailing on the last day of discharge at the port or place of final discharge of such damaged cargo from the ship. Average agreement or bond and such additional security, as may be required by the carrier, must be furnished before delivery of the goods. Such cash deposit as the carrier or his agents may deem sufficient as additional security for the contribution of the goods and for any salvage and special charges thereon, shall, if required, be made by the goods, shippers, consignees, or owners of the goods to the carrier before delivery. Such deposit shall, at the option of the carrier, be payable in United States money, and be remitted to the adjuster. When so remitted the deposit shall be held in a special account at the place of adjustment in the name of the adjuster pending settlement of the general average and refunds or credit balances, if any, shall be paid in United States money."

(iv) *Amended "Jason" clause:* "In the event of accident, danger, damage, or disaster before or after commencement of the voyage resulting from any cause whatsoever, whether due to negligence or not, for which or for the consequence of which the carrier is not responsible by statute, contract, or otherwise, the goods, shippers, consignees, or owners of the goods shall contribute with the carrier in general average to the payment of any sacrifices, losses or expenses of a general average nature that may be made or incurred, and shall pay salvage and special charges incurred in respect of the goods. If a salving ship is owned or operated by the carrier, salvage shall be paid for as fully as if the salving ship or ships belong to strangers."

(v) In any situation whatsoever and wheresoever occurring and whether existing or anticipated before commencement of or during the voyage, which in the judgment of the carrier or master is likely to give rise to risk of capture, seizure, detention, damage, delay or disadvantage to or loss of the ship or any part of her cargo, or to make it unsafe, imprudent, or unlawful for any reason to commence or proceed on or continue the voyage or to enter or discharge the goods at the port of discharge, or to give rise to delay or difficulty in arriving, discharging at or leaving the port of discharge or the usual place of discharge in such port, the carrier may before loading or before the commencement of the voyage, require the shipper or other person entitled thereto to take delivery of the goods at port of shipment and upon their failure to do so, may warehouse the goods at the risk and expense of the goods; or the carrier or master, whether or not proceeding toward or entering or attempting to enter the port of discharge or reaching or attempting to reach the usual place of discharge therein or attempting to discharge the goods there, may discharge the goods into depot, lazaretto, craft or other place; or the ship may proceed or return, directly or indirectly, to or stop at any such port or place whatsoever as the master of the carrier may consider safe or advisable under the circumstances, and discharge the goods, or any part thereof, at any such port or place; or the carrier or the master may retain the cargo on board until the return trip or until such time as the carrier or the master thinks advisable and discharge the goods at any place whatsoever as herein provided or the carrier or the master may discharge and forward the goods by any means at the risk and expense of the goods. The carrier or the master is not required to give notice of discharge of the goods, or the forwarding thereof as herein provided. When the goods are discharged from the ship, as herein provided, they shall be at their own risk and expense; such discharge shall constitute complete delivery and performance under this contract and the carrier shall be freed from any further responsibility. For any service rendered to the goods as herein provided the carrier shall be entitled to a reasonable extra compensation.

(vi) The carrier, master and ship shall have liberty to comply with any orders or directions as to loading, departure, arrival, routes, ports of call, stoppages, discharge, destination, delivery or otherwise howsoever given by the government of any nation or department thereof or any person acting or purporting to act with the authority of such government or of any department thereof, or by any committee or person having, under the terms of the war risk insurance on the ship, the right to give such orders or directions. Delivery or other disposition of the goods in accordance with such orders or directions shall be a fulfillment of the contract voyage. The ship may carry contraband, explosives, munitions, warlike stores, hazardous cargo, and may sail armed or unarmed and with or without convoy.

In addition to all other liberties herein the carrier shall have the right to withhold delivery of, reship to, deposit or discharge the goods at any place whatsoever, surrender or dispose of the goods in accordance with any direction, condition or agreement imposed upon or exacted from the carrier by any government or department thereof or any person purporting to act with the authority of either of them. In any of the above circumstances the goods shall be solely at their risk and expense and all expenses and charges so incurred shall be payable by the owner or consignee thereof and shall be a lien on the goods.

This charter shall also be subject to the provisions of paragraphs (ii), (iii), (iv), (v) and (vi) of this Clause Eighteen.

Nineteenth. The Master and the Vessel shall have liberty to comply with any orders or directions as to loading, departure, arrival, routes, ports of call, stoppages, discharge, destination, delivery or otherwise howsoever given by the government of any nation or department thereof or any person acting or purporting to act with the authority of such government or of any department thereof, or by any committee or person having, under the terms of the war risk insurance on the ship, the right to give such orders or directions, and if by reason of or in compliance with any such orders or directions anything is done or is not done, such shall not be deemed a deviation or breach of orders or neglect of duty by the Master or the Vessel: *Provided, however,* That whenever any such orders or directions given otherwise than by the Government of the United States or its representative are contrary to sailing directions or other orders of the Charterer as to the employment of the Vessel hereunder, the Master shall, if practicable, apply to the Charterer or its agents or to a representative of the Government of the United States for consent or advice and shall not comply with such orders or directions unless such consent

or advice to comply is first obtained: *Provided further, however,* That if it is impracticable in any case to act in accordance with the foregoing proviso, the Master's decision as to compliance with any such orders or directions shall be made with due regard to the interests of all concerned, including the Charterer, the Owner, the Vessel, her crew and cargo.

Twentieth. If the United States of America is a party to this charter, no member of or delegate to the Congress, nor Resident Commissioner, shall be admitted to any share or part of this Charter or to any benefit that may arise therefrom, except as provided in Section 116 of the Act approved March 4, 1909.

To the true and faithful performance of all and every one of the foregoing agreements, we, the said parties do hereby bind ourselves, our heirs, executors, administrators, and assigns, each to the other in the sum of the proved damages, but not exceeding the estimated amount of freight.

This agreement is subject to the approval of the United States Maritime Commission and any conditions imposed by said Commission pursuant to the Ship Warrants Act. (Public Law 173, 77th Congress.)

In witness whereof, we hereunto set our hands the day and year first above written.

[F. R. Doc. 42-5293; Filed, June 5, 1942; 12:05 p. m.]

[General Order 1—Supplement 4-A]

PART 301—REGULATIONS AFFECTING MARITIME CARRIERS

AMENDMENT TO UNIFORM SUGAR CHARTER FOR TRANSPORTATION OF CUBAN SUGAR

The following paragraph shall be added to and made a part of the uniform Sugar Charter (Warshipsugar Form 105, approved by General Order No. 1, Supplement 4, May 29, 1942)[1] in Article Third and shall be inserted as the next to the last paragraph of said article:

If, however, cargo is discharged at a United States port for transshipment to a refinery at another United States port, eighty-five percent (85%) of the freight shall be payable in cash on the basis of gross bill of lading weight on arrival of vessel at discharging berth at the transshipment port to the order of Vessel, Owner, Operator or Agent, and on final delivery of cargo to the refinery any over or short payment shall be adjusted on the gross landed weight as determined by Public Weighers.

(E.O. 9054, 7 F.R. 837)

[SEAL] W. C. PEET, Jr.,
Secretary.

JUNE 5, 1942.

[F. R. Doc. 42-5294; Filed, June 5, 1942; 12:09 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket Nos. 1734-FD, 1798-FD]

BINKLEY MINING COMPANY OF MISSOURI

CEASE AND DESIST ORDER, ETC.

In the Matter of Binkley Mining Company of Missouri, Code Member, and in the Matter of Binkley Mining Company of Missouri, Code Member.

[1] *Supra.*

Memorandum opinion and order approving and adopting the proposed findings of fact, proposed conclusions of law, and recommendations of the Examiner and to cease and desist.

These proceedings were instituted upon complaints filed with the Bituminous Coal Division ("Division") on June 12, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act") by the Bituminous Coal Producers Board for District No. 15, alleging that the Binkley Mining Company of Missouri, a code member in District No. 15, had wilfully violated the Bituminous Coal Code (the "Code") and the Schedule of Effective Minimum Prices for District No. 15 for All Shipments Except Truck[1] by selling (1) during the period from October 1, 1940, to March 31, 1941, inclusive, approximately 540 tons of 1¼" washed mill coal (Size Group 13) produced at its Bee-Veer Mine (Mine Index No. 13) to the Western Tablet and Stationery Company, at St. Joseph, Missouri, at a price of $1.63 per ton f. o. b. the mine, which is the effective minimum price of said coal for industrial purposes and should have been sold at not less than the effective minimum price for commercial use of $1.75 per ton, and (2) during the period from October 15, 1940 to March 3, 1941, inclusive, approximately 141 tons of 1¼" washed screenings (Size Group 13) produced at its Bee-Veer mine to the Omar Baking Company[2] for its Lincoln, Nebraska, plant at a price of $1.49 per ton f. o. b. the mine, which is the effective minimum price of said coal for industrial purposes and should have been sold at not less than the effective minimum price for commercial use of $1.65 per ton, and praying that the Division either cancel and revoke the Binkley Mining Company's code membership, or in its discretion, direct the code member to cease and desist from violations of the code and regulations thereunder.

Hearings were held before D. C. McCurtain, a duly designated Examiner of the Division, at a hearing room thereof, in Kansas City, Missouri, on September 10 and 11, 1941.

The Examiner made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations in these matters dated February 25, 1942, in which he found that the Code Member had wilfully violated the Act, the Code, the scheduled effective minimum prices, and the rules and regulations, by selling (1) during the period from October 1, 1940, to March 31, 1941, inclusive, approximately 540 tons of 1¼" washed mill coal at $1.63 per net ton f. o. b. the mine, which coal was classified as Size Group 13 and priced at $1.75 per net ton f. o. b. the mine in the Schedule of Effective Minimum Prices, and (2) during the period from October 15, 1940, to March 3, 1941, inclusive, approximately 141 tons of 1¼" washed screenings at $1.49 per net ton f. o. b. the mine, which coal was classified as Size Group 13 and priced at $1.65 per ton f. o. b. the mine, and recommended that the Division should enter a cease and desist order.

An opportunity was afforded to all interested parties to file exceptions to the Examiner's Report, and supporting briefs. The Binkley Mining Company has filed exceptions to the Examiner's Report and has filed supporting briefs. No exception is taken to the Examiner's findings with respect to the tonnages sold by the code member and the prices received therefor. Exception is, however, taken to (1) the filing of a joint report by the Examiner covering the two proceedings designated Dockets Nos. 1734-FD and 1798-FD; (2) the propriety of the proceeding; (3) certain statements in the Report as not being proper proposed findings of fact; and (4) the sufficiency in the evidence to support the Examiner's conclusion that there were wilful violations.

1. Although it is true that these proceedings were heard separately and were not consolidated at the hearing, they were heard on the same days before the same Examiner. The transactions involved are similar and concern the same Code Member. For these reasons I find that there has been no prejudice to the Code Member by the Examiner's rendering only one report in which both matters were separately treated. I further find that it is proper to consolidate my treatment of these proceedings and that the Code Member will not be prejudiced thereby.

2. The complainant in these proceedings, District Board 15, filed motions with the Division on August 27, 1941, to withdraw the complaints. The motions were denied by Orders of the Division, dated September 5, 1941. At the commencement of the hearings, District Board 15 and the Code Member filed joint stipulations that the matters herein be dismissed. These stipulations were referred by the Examiner to me for disposition. At the commencement of the hearings the Code Member objected to the introduction of any evidence by the Division. The Examiner overruled the objections. At the close of the hearing in Docket No. 1734-FD the Code Member moved to strike all the evidence introduced by the Division. The Examiner denied the motion. The Code Member has filed exceptions to the filing of the Examiner's Report before there has been a disposition by me of the stipulations which were filed by District Board 15 and the Code Member at the commencement of the hearings and to the procedure of the Division and the Examiner in denying District Board 15 the right to withdraw the complaints and in permitting counsel for the Division to appear in the hearings and adduce evidence with respect to the transactions alleged in the

[1] Throughout this Findings, Opinion, and Order, all references to the effective minimum prices are those prescribed in the Schedule of Effective Minimum Prices for District No. 15 for All Shipments Except Truck.

[2] The complaint refers to the purchaser as Omar Baking Company. The record indicated that as a result of a reorganization, the name had been changed to Omar, Inc. It will hereinafter be referred to as "Omar."

[3] The Code Member has also requested an opportunity to present oral argument. I conclude that an oral argument is not essential to a proper determination of this matter.

complaints, over the timely objection of the Code Member.

The Code Member urges that the Division has no power under the Act to prosecute a complaint against a Code Member and that it has no power of enforcement other than as a hearing and determining body. These proceedings were noticed for hearing pursuant to sections 4 II (j) and 5 (b) of the Act. Section 4 II (j) of the Act grants to the Division the "jurisdiction to hear and determine written complaints . . ." charging code violations. Section 5 (b) of the Act provides the conditions upon which a code membership may be revoked for a violation, or, in the discretion of the Division, a cease and desist order be issued.[4] Section 6 (a), in part, provides where the district board fails "to take action authorized or required by this Act, then the (Division) may take such action in lieu of the district board."

Complaint of violations having been properly filed pursuant to the provisions of the Act, hearings were duly called for the purpose of developing all the relevant facts pertaining to the alleged violations. It was then within the jurisdiction of the Division to determine the complaints. In the exercise of this jurisdiction, the motions to withdraw the complaints were properly denied. I hereby disapprove of the stipulation to dismiss entered into between the Code Member and the complainant. The cause was properly tried. The district board was authorized under the Act to present evidence concerning the alleged violations. Since the complainant failed to take action authorized by the Act, it became "the function and indeed responsibility of the representative of the General Counsel's Office to develop facts both by direct and cross-examination of witnesses to insure that an adequate record is made upon the basis of which the Acting Director can determine whether or not the alleged violation was committed. The action of the representative of the Office of the General Counsel in this case accords with this responsibility. Charged as it is with the responsibility of administering the Bituminous Coal Act, the obligation of the Division to determine the facts upon the filing of a complaint of violation is beyond dispute."[5] I therefore find that the rulings of the Examiner with regard to the presentation and acceptance of evidence adduced by the counsel for the Division and the procedure in these proceedings were proper and that the exceptions thereto must be denied.

3. The Code Member takes exceptions to a number of statements in the Examiner's Report for the reason that they are said to be not proper proposed findings of facts. With regard to the proceeding designated Docket No. 1734–FD, exception is taken to the first paragraph appearing on page 3 of the Report,[6] for the reason that it is a statement of the allegations of the complaint and not a statement of fact. The paragraph does not purport to be a statement of fact, and specifically states that it purports to set forth that which "the complaint alleges . . ." The paragraph is an accurate summary of the nature of the complaint and I find that there is no basis for the exception.

Exception is taken to the second paragraph on page 3 of the Examiner's Report for the reason that it "is not a finding of fact, but merely the Examiner's statement of what the record indicates." On the contrary, the paragraph sets forth what the Examiner finds to be the facts concerning the matters discussed. Exception is taken to paragraph 4 on page 3 and the last paragraph beginning on page 3 and ending on page 4 of the Examiner's Report for the reason that they contain a resume of the testimony of certain witnesses and are not proper findings of fact. I have examined the record in this proceeding and am convinced that the statements of the Examiner are proper findings of fact, supported by the record, and I hereby adopt them as my findings of the facts concerning the transactions involved therein and overrule these exceptions of the Code Member.

With regard to the proceeding designated Docket No. 1798–FD, exception is taken to the last sentence of the second full paragraph on page 5 of the Examiner's Report for the reasons (1) that it is not a finding of fact and (2) that the act discussed does affect the nature of the transactions which the complaint alleges was a violation. I agree with the Examiner that a telephone call in April, 1941, by the Code Member's office manager to the Division Field Office to inform the Division representatives that the Code Member had been in error in classifying the use to which the coal that was sold to Omar was put does not affect the nature of the transactions which occurred between October, 1940, and March, 1941, but does amount to an extenuating circumstance which may be considered in determining the penalty. To determine the nature of the transactions the Division must look to the facts as they existed at the time the acts were committed. If there were violations of the Code, and the Code Members thereafter sought to make proper adjustments or sought advice of the Division as to a proper course of action to follow, those later acts of the Code Member may be considered in mitigation of the penalty, if one is imposed.

It appears that the complaint in Docket No. 1798–FD alleges that coal was shipped via rail to Omaha, and trucked to Lincoln by the consignee. The record shows that the coal was shipped by rail directly to Lincoln. Objection was taken to the admission of evidence showing that the coal was delivered in a manner different from that set forth in the complaint. The objection was overruled by the Examiner. The Code Member excepts to this ruling for the reason that this is a material variance. I agree with the Examiner that the Notice of and Order for Hearing gave the Code Member sufficient notice of the transactions referred to in the complaint to allow it an adequate opportunity to prepare its case and meet the charges, and therefore overrule this exception.

The Code Member has filed an exception to the paragraph beginning at the bottom of page 5 and ending on page 6 of the Examiner's Report for the reason that it is merely an argument of the applicable legal principal and not a finding of fact. This paragraph quotes a portion of the Director's opinion in a similar case[7] concerning the effect on the price structure of the sale of coal at an industrial price when that coal should take the higher commercial price. I find that this statement by the Examiner is proper, correct and relevant to the opinion and recommendations of the Examiner. The exception is overruled.

4. Exception is made to the proposed conclusion of law that the Binkley Mining Company wilfully violated the Act, the Code, the price schedule, and the Marketing Rules and Regulations. It is the Code Member's contention that the Examiner has not found sufficient facts to constitute a finding of wilfulness.

Concerning the transactions in Docket No. 1734–FD, the record clearly substantiates the finding that Western Tablet and Stationery Company uses coal principally for space heating and that the salesman for the Code Member's sales agent admitted that he knew this was so. Counsel for the Code Member contends that it is not the obligation of the seller of coal to go through the consumer's plant to determine whether the coal is to be sold at the industrial or commercial price. With regard to the sales of coal to Omar which are the subject of the complaint in Docket No. 1798–FD, counsel for Code Member states that there was not a wilful violation for the reason that the Code Member did not know, at the time the coal was sold and delivered, that the coal was to be used for heating purposes. The contentions of Code Member are without merit. The proscription of section 4 II (e) of the Act against selling coal at less than the effective minimum prices requires of the producer, in cases where the effective minimum prices vary according to the use to which the coals are to be put, that he ascertain whether such use is commercial or industrial and that he price his coal accordingly. Proper enforcement of the Act would be impossible were producers permitted to sell coals, indifferently and negligently omitting to determine such a vital factor upon which the effective minimum prices are based. Such omission on the part of the Code Member is sufficiently flagrant in view of its failure, despite knowledge of the requirements of the District No. 15 price schedule, to make any effort to determine the use to which the coals were to be put, to amount to a wilful disregard of the provisions of the Act, the Code, the price schedules, and the Marketing Rules and Regulations, and I so find.

Accordingly, I find that the exceptions of the Code Member to the Report, Proposed Findings of Fact, Proposed Con-

[4] For this reason, the code member's exception to the statement in the Examiner's Report that this proceeding was instituted pursuant to the provisions of sections 4 II (j) and 5 (b) must be overruled.

[5] See In the Matter of Edwin R. Eberhart, Docket No. 1780–FD.

[6] All references in this Opinion to pages of the Examiner's Report refer to mimeographed copies thereof.

[7] In the Matter of Horning-Ross Coal Company, Docket No. 1783–FD.

clusions of Law and Recommendations of the Examiner are not well taken and should be denied.

The undersigned having determined, after a consideration of the record and the Code Member's exceptions that the proposed findings of facts and proposed conclusions of law of the Examiner should be approved and adopted as the findings of fact and conclusions of law of the undersigned;

It is, therefore, ordered, That the exceptions of the Code Member to the Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations of the Examiner be and the same hereby are denied.

It is further ordered, That the proposed findings of fact and proposed conclusions of law of the Examiner be and the same are hereby approved and adopted as the findings of fact and conclusions of law of the undersigned.

It is further ordered, That Binkley Mining Company of Missouri, a code member, its representatives, agents, servants, employees, and attorneys and all persons acting or claiming to act on its behalf or interest, cease and desist and they are hereby permanently enjoined and restrained from selling or offering to sell coal produced by the Binkley Mining Company of Missouri at less than the applicable effective minimum prices established therefor, contrary to the provisions of section 4 II (e) of the Act and any rules and regulations promulgated thereunder, the Bituminous Coal Code, the Marketing Rules and Regulations, and the Schedule of Effective Minimum Prices for District No. 15 for All Shipments Except Truck.

It is further ordered, That upon failure or neglect of the Binkley Mining Company of Missouri to comply with this Order, the Division may forthwith apply to the Circuit Court of Appeals of the United States where said Code Member carries on business for the enforcement thereof, or may take any other appropriate action.

It is further ordered, That the requests for oral argument be and the same are hereby denied.

Dated: June 4, 1942.

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5282; Filed, June 5, 1942; 11:18 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket Nos. 277 and 383]

AEROVIAS NACIONALES PUERTO RICO, INC. AND CARIBBEAN-ATLANTIC AIRLINES, INC.

NOTICE REASSIGNING DATE OF ORAL ARGUMENT

In the matter of the consolidated applications of Aerovias Nacionales Puerto Rico, Inc., and Caribbean-Atlantic Airlines, Inc., for a certificate of public convenience and necessity to authorize air transportation between San Juan and Ponce, P. R.; San Juan and Mayaguez, via Aguadilla; San Juan and Mayaguez via Ponce; San Juan and Vieques; and between San Juan and St. Croix, Virgin Islands, via St. Thomas:

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said Act, in the above-entitled proceeding, that oral argument now assigned to be held on June 11, 1942, is hereby reassigned to be held on June 10, 1942, at 10 a. m. (Eastern Standard Time) in Room 5042 Commerce Bldg., 14th St. and Constitution Ave. NW., Washington, D. C., before the Board.

Dated Washington, D. C., June 5, 1942.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-5232; Filed, June 5, 1942; 11:52 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4536]

CAPITOL PAINT AND VARNISH WORKS, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOT TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 3d day of June, A. D. 1942.

In the matter of Capitol Paint and Varnish Works, Inc., a corporation.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A. section 41),

It is ordered, That W. W. Sheppard, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, June 15, 1942, at ten o'clock in the forenoon of that day (central standard time) in Room 1118, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-5278; Filed, June 5, 1942; 11:10 a. m.]

[Docket No. 4614]

CHARLOTTE BRANDENBURG

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

In the matter of Charlotte Brandenburg.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 3d day of June, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Arthur F. Thomas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, July 13, 1942, at ten o'clock in the forenoon of that day (central standard time) in Room 591, Federal Building, San Antonio, Texas.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the Respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-5279; Filed, June 5, 1942; 11:11 a. m.]

[Docket No. 4667]

CUMMER PRODUCTS COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 3d day of June, A. D. 1942.

In the matter of The Cummer Products Company, a corporation.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That John P. Bramhall, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, June 18, 1942, at ten o'clock in the forenoon of that day (eastern standard time) in a Hearing Room, Hotel Piccadilly, 227 West 45th Street, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-5280; Filed, June 5, 1942; 11:11 a. m.]

[Docket No. 4738]

NATIONAL MINERAL CO., ETC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 3d day of June, A. D. 1942.

In the Matter of National Mineral Company, a corporation, trading as Helene Curtis Industries.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That W. W. Sheppard, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, June 17, 1942, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-5281; Filed, June 5, 1942; 11:11 a. m.]

OFFICE OF PRICE ADMINISTRATION.

EDISON GENERAL ELECTRIC HOTPOINT CO.

APPROVAL OF MAXIMUM PRICES FOR SALE OF HOUSEHOLD MECHANICAL REFRIGERATORS

Order No. 1 under Revised Price Schedule No. 102 [1]—Household Mechanical Refrigerators.

Edison General Electric Hotpoint Company, of Chicago, Illinois, has made application for approval of proposed maximum prices for its line of 1942 model household mechanical refrigerators, pursuant to Revised Price Schedule No. 102.

Due consideration has been given to the application and an opinion in support thereof has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[2] issued by the Office of Price Administration, it is hereby ordered:

(a) The maximum price exclusive of excise tax for the following models of household mechanical refrigerators shall be:

Model:	
EA-6-42	$68.74
EA-7-42	82.50
EAS-7-42	89.00
EB-7-42	93.63
EBP-7-42	99.79
EC-7-42	110.49
EC-8-42	120.22
ED-8-42	130.17
ED-12-42	219.46
ED-16-42	249.08

(b) This Order No. 1 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 1 shall become effective June 5, 1942.

Issued this 4th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5263; Filed, June 4, 1942; 4:43 p. m.]

[1] 7 F.R. 1401, 2132, 2794, 3125.
[2] 7 F.R. 971, 3663.

GRANITE CITY STEEL CO.

ORDER GRANTING EXCEPTION

[Docket No. 3006-1-E]

Order No. 12 under revised Price Schedule No. 6 [1]—Iron and Steel Products.

On March 12, 1942, the Granite City Steel Company, Granite City, Illinois, filed a petition for an exception to Revised Price Schedule No. 6, as amended, pursuant to § 1306.7 thereof. Due consideration has been given to the petition, and an opinion in support of this Order No. 12 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[2] issued by the Office of Price Administration, it is hereby ordered:

(a) That the Granite City Steel Company, Granite City, Illinois, may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, the kinds and grades of steel set forth in paragraph (b) at prices not in excess of those stated therein. Any person may buy and receive, and agree, offer, solicit and attempt to buy and receive, such kinds of steel at such prices from the Granite City Steel Company.

(b) Carbon steel plates, base grade, at a price not in excess of $2.35 per hundred pounds, f. o. b. Granite City, Illinois.

(c) All prayers of the petition not granted herein are denied.

(d) The Granite City Steel Company is to submit monthly data covering the cost of production of carbon steel plates, and monthly profit and loss data. This is to be submitted not later than the fifteenth day of the next succeeding month.

(e) This Order No. 12 may be revoked or amended by the Price Administrator at any time.

This Order No. 12 shall become effective June 6, 1942.

Issued this 4th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5264; Filed, June 4, 1942; 4:44 p. m.]

[1] 7 F.R. 1215.
[2] 7 F.R. 971.

NEWARK STEEL DRUM COMPANY

ORDER GRANTING EXCEPTION

Order No. 1 under Revised Price Schedule No. 43, as amended [1]—Used steel drums and used steel pails.

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered:

(a) Newark Steel Drum Company, 1200 West Blancke Street, Linden, New Jersey, may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, the kinds and sizes of used steel drums set forth in paragraph (b), at prices not in excess of those stated therein. Any person may buy and receive, and agree, offer, solicit and attempt to buy and receive such kinds and sizes of used steel drums at such prices from Newark Steel Drum Company.

(b) Reconditioned steel drums of 55-gallon capacity, sand blasted and furnished with a new Heresite lining, at a price of $1.00 per drum in excess of the maximum prices established for such drums in Revised Price Schedule No. 43, as amended.

(c) This Order No. 1 may be revoked or amended by the Price Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1306.209 of Revised Price Schedule No. 43, as amended, shall apply to terms used herein.

(e) This Order No. 1 shall become effective June 10, 1942.

Issued this 5th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5286; Filed, June 5, 1942; 11:41 a. m.]

ACME BARREL COMPANY

ORDER GRANTING EXCEPTION

Order No. 2 under Revised Price Schedule No. 43, as amended [1]—Used steel drums and used steel pails.

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,

[1] 7 F.R. 1287, 1836, 2132.

and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered:

(a) Acme Barrel Company, 2300 West Thirteenth Street, Chicago, Illinois, may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, the kinds and sizes of used steel drums set forth in paragraph (b), at prices not in excess of those stated therein. Any person may buy and receive such kinds and sizes of used steel drums at such prices from Acme Barrel Company.

(b) Reconditioned steel drums of 55-gallon capacity, sand blasted and furnished with a new Heresite lining, at a price of $1.10 per drum in excess of the maximum prices established for such drums in Revised Price Schedule No. 43, as amended.

(c) This Order No. 2 may be revoked or amended by the Price Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1306.209 of Revised Price Schedule No. 43, as amended shall apply to terms used herein.

(e) This Order No. 2 shall become effective June 10, 1942.

Issued this 5th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5287; Filed, June 5, 1942; 11:41 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-556]

THE CALIFORNIA OREGON POWER COMPANY AND STANDARD GAS AND ELECTRIC COMPANY

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3d day of June, A. D. 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission by The California Oregon Power Company and Standard Gas and Electric Company pursuant to the Public Utility Holding Company Act of 1935. The applicants and/or declarants designate sections 6, 7, 12 (b) and 12 (f) of the Act and Rules U-43 and U-45 of the General Rules and Regulations thereunder as being applicable to the proposed transactions. All interested persons are referred to said declaration or application which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized as follows:

The California Oregon Power Company proposes to recapitalize so that it will have:

(a) The following amount of securities outstanding, in lieu of those now outstanding;

	Now outstanding	To be outstanding
First mortgage bonds, 4% series	$13,500,000	$13,500,000
Five and one-half per cent gold debentures, series A, due October 1, 1942	5,000,000	
New notes		3,500,000
Seven per cent preferred stock, cumulative $100 par value per share	2,833,000	2,457,200
Six per cent preferred stock, cumulative $100 par value per share	1,000,000	772,200
Six per cent preferred stock, cumulative, series of 1927, $100 par value per share	5,703,200	4,570,100
Common stock, without par value (2,061 shares)	6,847,100	
Common stock, $25 par value per share		7,800,000

(b) Capital surplus in the amount of $2,594,191 and a reduction surplus in the amount of $487,097 (both of which will be available for writing down of assets);

(c) A decrease of $117,033 in the Discount and Expense on Capital Stock Account;

(d) Cash for additional working capital in the amount of $375,000 (less expenses of the transaction);

(e) Increased depreciation reserve in the amount of $755,806 (to be appropriated partly from capital surplus and partly from earned surplus).

Standard Gas and Electric Company will, on its part, make a capital contribution in the amount of $3,215,600 by delivery and surrender to The California Oregon Power Company for cancellation of the following:

$2,375,000 principal amount 5½% Gold Debentures Series A due October 1942.

4,457 shares 7% Preferred Stock par value $100.

2,207 shares 6% Preferred Stock par value $100.

11,271 shares 6% Preferred Stock par value $100 (Series of 1927).

4,061 shares of Common Stock, without par value.

all conditioned upon certain accounting procedure (as more fully set forth in the application and declaration) creating capital and reduction surpluses in the amounts above described.

The California Oregon Power Company will, on its part accept delivery and surrender of said securities from Standard Gas and Electric Company, and among other things will:

(a) Cancel the $2,375,000 principal amount of 5½% Gold Debentures and create a capital surplus in the same amount;

(b) Cancel the shares of preferred stock so surrendered and create a reduction surplus of $487,097 by the reduction of stated capital to $15,592,700; transfer and allocate $952,900 from stated capital attributable to preferred stock to stated capital attributable to common stock (making a total of $7,800,000 attributable to common stock) and credit capital surplus in the amount of the balance ($353,503) of the par value of preferred stock;

(c) Make certain charges and credits to surplus and unamortized Debt Discount as more fully set forth in the application and declaration;

(d) Amend its Articles of Incorporation to provide:

(i) That the authorized amount of common stock shall be 400,000 shares of $25 par value each;

(ii) For the conversion of 78,000 shares of presently outstanding common stock without par value to an equal number of shares of common stock $25 par value;

(iii) For the increase in the voting power of the Preferred Stock from one vote per share to four votes per share (as a result of which Standard Gas and Electric Company's voting power will be decreased from 56.2% to 50.02%);

(e) Issue $3,500,000 principal amount of new serial notes and sell to a commercial bank (or other similar institution) not for resale to the public, and as soon as practicable thereafter redeem all of its then outstanding 5½% Gold Debentures due October 1, 1942.

Additional information concerning the proposed transactions is to be filed by amendment.

It appearing to the Commission that it is appropriate in the public interest and the interests of investors and consumers that a hearing be held with respect to said matters and that said application shall not be granted nor said declaration become effective except pursuant to further order of this Commission:

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on June 23, 1942 at 10 o'clock a. m. E. W. T., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in the room designated on said day by the hearing-room clerk in Room 318. At such hearing, cause shall be shown why such declaration or application (or both) shall become effective or shall be granted. Notice is hereby given of said hearing to the above-named declarants or applicants and to all interested persons, said notice to be given to said declarants or applicants by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing

in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 42-5267; Filed, June 5, 1942; 9:47 a. m.]

[File Nos. 54-45, 59-48]

SOUTHERN UNION GAS COMPANY, ET AL.

NOTICE OF AND ORDER FOR HEARING ON PLAN, NOTICE OF AND ORDER INSTITUTING PROCEEDINGS AND SETTING DATE FOR HEARING, AND ORDER CONSOLIDATING SUCH PROCEEDING FOR PURPOSES OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 4th day of June, A. D. 1942.

In the matter of Southern Union Gas Company, Arkansas Western Gas Company, New Mexico Gas Company, New Mexico Eastern Gas Company, Texas Southwestern Gas Company, Quanah Water Company, and Southern Union Production Company, Applicants; and in the matter of Southern Union Gas Company, Arkansas Western Gas Company, New Mexico Gas Company, New Mexico Eastern Gas Company, Texas Southwestern Gas Company, Quanah Water Company, Southern Union Production Company, Angels Peak Oil Company, Congress Oil Company, and Summit Oil Company, Respondents.

I

Southern Union Gas Company, a registered holding company, and its principal subsidiary companies, Arkansas Western Gas Company, New Mexico Gas Company, Texas Southwestern Gas Company, New Mexico Eastern Gas Company, Quanah Water Company and Southern Union Production Company having filed with this Commission an application for approval of a plan pursuant to section 11 (e) and all other applicable sections of the Public Utility Holding Company Act of 1935, and having filed certain amendments with respect to such plan, which plan, as amended, provides for the following:

1. Southern Union Gas Company, New Mexico Gas Company, New Mexico Eastern Gas Company and Texas Southwestern Gas Company will, by means of a statutory merger and consolidation, be combined into a single new company which will acquire all the assets and will assume and pay all the liabilities of the merging companies, except the funded and long-term debt of Southern Union Gas Company.

2. All existing funded and other long-term debt of New Mexico Gas Company, New Mexico Eastern Gas Company and Texas Southwestern Gas Company, in the amount of $3,384,797.50 (including retirement premiums) will be refunded through the issuance and sale by the new company of $3,650,000 principal amount of Twenty-Year Sinking Fund First Mortgage 3½% Bonds. The balance of the proceeds from this sale, in the amount of $265,202.50, will be used to meet reorganization expenses of the new company and to provide it with additional working capital.

3. Of the existing funded and other long-term debt of Southern Union Gas Company in the amount of $1,063,564.35, the principal amount of $106,000 will be exchanged for common stock of the new company while the balance of $957,564.35 will be paid by the application of cash funds derived from the following sources:

(a) A sale of additional common stock to the present common stockholders of Southern Union Gas Company, at the rate of $1.50 per share or an aggregate of $360,744:

(b) The payment of $250,000 by Southern Union Production Company, a wholly-owned-non-utility subsidiary of Southern Union Gas Company, in liquidation of its existing bond issue, in the principal amount of $350,000, held by its parent. To secure this amount of $250,000 and an additional $50,000 for working capital, Southern Union Production Company will issue and sell its 5-year Serial 4% First Mortgage Bank Note in the principal amount of $300,000: and

(c) The sale of Arkansas Western Gas Company and Quanah Water Company; *Provided,* That if such sales cannot be consummated prior to the merger, the new company will, pending the sales, furnish the remaining funds necessary out of current earnings, working capital and proceeds from the new bonds.

4. The publicly held preferred stock of New Mexico Gas Company, New Mexico Eastern Gas Company and Southern Union Gas Company in the aggregate par amount of $2,439,619.45 and $340,380.55 of the dividend arrearages on the preferred stock of Southern Union Gas Company (which latter amount is approximately one-half of the total arrearages on said latter preferred stock as of June 30, 1942) will be satisfied by the exchange therefor, on a par for par basis, of $2,780,000 principal amount of Thirty-Year Sinking Fund Income 6% Debentures to be issued by the new company.

5. The common stock of the new company resulting from the merger will be allocated and exchanged as follows:

(a) 53,000 shares will be exchanged, at the rate of $2 per share, for $106,000 of the long-term debt of Southern Union Gas Company, which debt will be cancelled;

(b) 136,035 shares will be exchanged, at the rate of $2.50 per share, for the remaining dividend arrearages ($340,087.78 as of June 30, 1942) on the present preferred stock of Southern Union Gas Company;

(c) 240,496 shares will be exchanged, share for share, for the present no par value common stock of Southern Union Gas Company;

(d) 240,496 shares will be issued in consideration of an additional cash investment of $360,744 to be paid at the rate of $1.50 per share for each share held at present by the common stockholders of Southern Union Gas Company; and

(e) 191,331 shares will be exchanged on the basis of 1⅓ shares for 1 share of the publicly-held no par value common stock of New Mexico Gas Company and New Mexico Eastern Gas Company.

The application states that the plan is filed for the purpose of enabling the applicants and the holding-company system constituted by them to meet the requirements of section 11 (b) of said Act, and to reorganize the holding-company system in such manner as to effect substantial economies of operation. The application requests (1) an order approving the plan, (2) a report on the plan by this Commission pursuant to section 11 (g) of said Act, and (3) permission and authorization to solicit proxies, consents, authorizations, powers-of-attorney and deposits in respect of the plan. The application further requests that "if and when necessary, after such report, approval and authorization by the Commission, the Commission apply to a proper court or courts in accordance with the provisions of subsection (f) of section 18 of the Act to enforce and carry out the terms and provisions of such plan."

II

The Commission's public official files disclose that:

1. Southern Union Gas Company is a registered holding company, organized under the laws of Delaware, with its principal offices for doing business located in Dallas, Texas. It has ten direct subsidiaries, Arkansas Western Gas Company, New Mexico Gas Company, New Mexico Eastern Gas Company and Texas Southwestern Gas Company, all public utility companies within the meaning of the Public Utility Holding Company Act of 1935, Quanah Water Company, Southern Union Production Company, Angels Peak Oil Company, Congress Oil Company and Summit Oil Company, not public utility companies within the meaning of said Act, and Southern Union Service Company, operating under temporary order of the Commission as a subsidiary service company pending determination of an application for approval as a mutual service company under the Act.

2. As of December 31, 1941, Southern Union Gas Company had the following securities outstanding and owned entirely by the public:

Collateral trust 6% sinking fund bonds due Oct. 1, 1942	$911,700.00
Miscellaneous scrip certificates (including unpaid interest) due Oct. 1, 1942	44,864.35
Secured note payable Nov. 1, 1942	107,000.00
8% class "A" cumulative preference stock (par value $25.00)[1]	620,875.00
7% cumulative preference stock (par value $25.00)[1]	125,000.00
$1.75 dividend series cumulative preference stock (par value $25.00)[1]	70,250.00
Common stock (no par value) 240,496 shares outstanding	1,202,480.00
Capital stock allotment certificates	2,200.00
Total	3,084,369.35

[1] Accumulated dividend arrearages on the preferred stocks amounted to $650,378.08, as of December 31, 1941.

3. Arkansas Western Gas Company, organized under the laws of Arkansas, engages in the purchase, transmission, distribution and sale of natural gas in the City of Fayetteville and other communities in the northwestern portion of Arkansas. It had the following securities outstanding on December 31, 1941:

	Public held	System held	Total
First mortgage 4½% sinking fund bonds due Nov. 15, 1955.	$300,000.00		$300,000.00.
Serial notes payable to banks (final instalment due Dec. 15, 1945).	$200,000.00		$200,000.00.
6% cumulative preferred stock (par value $50.00)		2,500 shares	2,500 shares.
Common stock (no par value)	1,073.3 shares	10,196.7 shares	11,270 shares.

4. New Mexico Gas Company, organized under the laws of Delaware, operates natural gas distribution properties in the northwest and central portion of New Mexico. It had the following securities outstanding as of December 31, 1941:

	Public held	System held	Total
First mortgage series A 15 year 5% sinking fund convertible bonds due May 15, 1951.	$1,275,000.00		$1,275,000.00.
First mortgage series B 15 year 5% sinking fund bonds due Nov. 15, 1954.	$234,000.00		$234,000.00.
Serial notes payable to bank (final instalment due Jan. 20, 1945).	$92,437.50		$92,437.50.
6% cumulative convertible preferred stock (par value $50.00).	21,870 shares	5,800 shares	27,670 shares.
Common stock (no par value)	49,291.8 shares	182,073.2 shares	231,495 shares.

5. New Mexico Eastern Gas Company, organized under the laws of Delaware, operates natural gas distribution properties in and around Clovis and Roswell, located in the eastern portion of New Mexico, and in an adjacent area in Texas. It had the following securities outstanding, on December 31, 1941:

	Public held	System held	Total
First mortgage 6½% bonds (assumed) due:			
May 1, 1944	$154,000.00		$154,000.00.
Sept. 15, 1944	$372,700.00		$372,700.00.
Contracts payable	$27,693.00	$44,000.00	$71,693.00.
6% cumulative convertible preferred stock (par value $50.00).	10,699 shares	18,143 shares	28,742 shares.
Common stock (no par value)	94,110 shares	160,810 shares	254,920 shares.

6. Texas Southwestern Gas Company, organized under the laws of Delaware, operates natural gas distribution properties in southwestern Texas, southeastern Texas, central Texas and in the vicinity of Kingfisher, located in central Oklahoma. It had the following securities outstanding, on December 31, 1941:

	Public held	System held	Total
First mortgage 15-year sinking fund 4¾% bonds due Jan. 15, 1956.	$350,000.00		$350,000.00.
Serial notes payable to bank (final maturity Mar. 15, 1946).	$217,500.00		$217,500.00.
Common stock (no par value)		16,115 shares	16,115 shares.

7. Southern Union Production Company, organized under the laws of Delaware, is a non-utility company engaged chiefly in the production of natural gas which is sold to affiliated companies. All of its securities are owned by Southern Union Gas Company. Quanah Water Company, organized under the laws of Texas, operates a water property at Quanah located in north central Texas. It has $132,000 of first mortgage indebtedness owned by the public. Its 500 shares of common stock (par value $1.00) are owned by Southern Union Gas Company. Angel's Peak Oil Company (New Mexico), Congress Oil Company (Colorado) and Summit Oil Company (New Mexico) are small gas producing companies operating in a single field in northwestern New Mexico and selling their entire production to Southern Union Production Company. Southern Union Gas Company owns 87%, 92% and 81%, respectively, of the stock of such companies.

III

The Commission having been advised by its Public Utilities Division that the information set out in paragraph II hereof and other and further information contained in the Commission's public official files tends to show that the holding company system of Southern Union Gas Company is not confined in its operations to those of a single integrated public utility system as provided by section 11 (b) (1) of said Act or to such single system and additional systems which may be retained under Clauses (A), (B) and (C) of section 11 (b) (1) and to such other businesses as are reasonably incidental or economically necessary or appropriate to the operations of such system or systems and, further, that the corporate structure of such system is unduly and unnecessarily complicated and unfairly and inequitably distributes voting power among the security holders of the system; and

IV

It being the duty of the Commission, pursuant to subparagraphs (1) and (2) of section 11 (b) of the Act, to require, by order, after notice and opportunity for hearing, that each registered holding company and each subsidiary company thereof, shall take such action as the Commission shall find necessary (1) to limit the operations of the holding-company system, of which said company is a part, to a single integrated public-utility system or to such single system and such additional integrated public-utility system or systems which the Commission finds to be in compliance with the standards of subsections (A), (B) and (C) of section 11 (b) (1) and to such other businesses as are reasonably incidental or economically necessary or appropriate to the operations of such integrated public-utility system or systems; and (2) to ensure that the corporate structure or continued existence of any company in the holding-company system does not unduly or unnecessarily complicate the structure or unfairly or inequitably distribute voting power among security holders of such holding-company system; and

The Commission, before approving any plan under the provisions of section 11 (e) of said Act, being required to find such plan, as submitted or as modified, necessary to effectuate the provisions of subsection (b) of section 11, and fair and equitable to the persons affected by such plan; and

It, therefore, appearing appropriate to the Commission that notice be given and a hearing be held for the purpose of determining what action should be ordered under subparagraphs (1) and (2) of section 11 (b), and with respect to the proposed plan filed under section 11 (e); and it further appearing to the Commission that said proceedings involve common questions of law and fact and should be consolidated and heard together;

It is ordered, That said proceedings be consolidated and that a hearing on such matters under the applicable provisions of said Act and the rules of the Commission thereunder be held on the 22d day of June, 1942, at 10:00 a. m., E. W. T. at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on such day by the hearing room clerk.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order, by registered mail, to the above-named parties; and that notice of said hearing shall be and hereby is given to all security holders of Southern Union Gas Company and of its above-named subsidiaries, to all consumers of said corporation and of said subsidiaries, to all States, municipalities, or subdivisions thereof, in which are located any of the utility assets of the holding company system of Southern Union Gas Company or under the laws of which any of said companies are incorporated, and to all other interested persons, such notice to be given by a general release of the Commission, distributed to the

press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and by publication of this order in the FEDERAL REGISTER.

It is further ordered, That any person desiring leave to be heard in connection with these proceedings, or permission to intervene therein, shall, on or before the 15th day of June, 1942, file a written application with the Secretary of the Commission in accordance with the provisions of Rule XVII of the Commission's Rules of Practice.

It is further ordered, That the above-named parties, respondents herein, file with the Secretary of the Commission on or before June 15, 1942 their respective answers admitting, denying, or otherwise explaining their respective position as to each of the allegations of paragraphs II and III hereof.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues, either presented by said application or arising out of the provisions of subparagraphs (1) and (2) of section 11 (b) of the Act, otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the allegations of sections II and III hereof are true and accurate.

2. Whether or not the proposed plan as submitted or as modified, is necessary to effectuate the provisions of subsection (b) of section 11; and is fair and equitable to the persons affected thereby, and whether the Commission should enter an order approving such plan.

3. Whether the proposed system capitalization will contain an excessive proportion of funded debt and whether the proposed new securities will be reasonably adapted to the security structure and earning power of the new company and, generally, whether such securities comply with the standards of section 7 of the Act.

4. Whether, and the extent to which, the investments of Southern Union Gas Company and the property of its subsidiaries reflect intangibles, write-ups, or other inflationary items or include property which is "not used or useful" in the performance of utility services; and the appropriateness of the continued retention of such items in the property or investment accounts.

5. The adequacy of the proposed annual provision for maintenance, depreciation and depletion; and the sufficiency of existing depreciation and depletion reserves.

6. The fairness of the proposed allocation and distribution of the securities of the new company.

7. Generally, whether the issue and sale of the new securities and the other related transactions are detrimental to the public interest or the interest of the investors or consumers or will tend to circumvent the provisions of the Act or any rules, regulations or orders of the Commission thereunder; and the extent of any terms and conditions that may be appropriate to assure adequate protection of such interest and compliance with the applicable provisions of the Act.

8. What order or orders, if any, should be entered pursuant to subparagraphs (1) and (2) of section 11 (b) of said Act requiring that Southern Union Gas Company and/or its above-named subsidiaries take action, additional or different from that contemplated by the plan, in order to limit the operations of their holding-company system to a single integrated public-utility system or to such single system and additional systems which may be retained under clauses (A), (B) and (C) of section 11 (b) (1) and to such other businesses as are reasonably incidental or economically necessary or appropriate to the operations of such integrated public-utility system, or systems, and in order to ensure that the corporate structure or continued existence of any company in the holding-company system will not unduly or unnecessarily complicate the structure or unfairly or inequitably distribute voting power among security holders of such holding-company system.

It is further ordered, That jurisdiction be and hereby is reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, the proceedings instituted by this order under subparagraphs (1) and (2) of section 11 (b) and the application for approval of said plan filed under section 11 (e).

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 42-5266; Filed, June 5, 1942; 9:49 a. m.]

[File No. 52-17]

NORTHWEST CITIES GAS COMPANY, BONDHOLDERS' ADVISORY COMMITTEE

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 1st day of June 1942.

In the Matter of John H. Rauscher, W. D. Courtright, Earl W. Huntley, Paul C. Harper, and Frederick T. Sutton, as Bondholders' Advisory Committee for Northwest Cities Gas Company.

A plan of reorganization for Northwest Cities Gas Company, a subsidiary of Lone Star Gas Company, a registered holding company, having been submitted for approval in an application and amendments thereto under section 11 (f) of the Public Utility Holding Company Act of 1935 and the Rules thereunder, by John H. Rauscher, W. D. Courtright, Earl W. Huntley, Paul C. Harper, and Frederick T. Sutton, as a Bondholders' Advisory Committee, for Northwest Cities Gas Company; and

An application and declaration and amendments thereto having been filed pursuant to sections 11 (g) and 12 (e) of said Act and the Rules thereunder, by the said Bondholders' Advisory Committee for a report on said plan of reorganization and with respect to the solicitation by said Bondholders' Advisory Committee of acceptances to the said plan of reorganization; and

Public hearings having been held on said applications and declaration, as amended, after appropriate notice; and

The Commission having considered the record and having made and filed its findings and opinion herein;

It is hereby ordered, That the said plan of reorganization be and the same is hereby approved and the said application and amendments thereto pursuant to section 11 (f) be and the same hereby are granted forthwith, subject, however, to the following condition and reservation;

1. Jurisdiction is reserved to enter appropriate orders with respect to the application and declaration and amendments thereto filed pursuant to sections 11 (g) and 12 (e) of the Public Utility Holding Company Act of 1935 and the Rules of the Commission thereunder.

2. The provisions of Rule U-24 shall be deemed applicable, except that the transactions herein approved shall be carried out within ninety days after such approval.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 42-5268; Filed, June 5, 1942; 9:47 a. m.]

[File No. 70-427]

VIRGINIA PUBLIC SERVICE COMPANY, ET AL.

SUPPLEMENTAL ORDER, GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 3rd day of June, A. D. 1942.

The Commission having heretofore, on May 22, 1942, issued its order herein granting the application of Virginia Public Service Company pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 for an exemption from the provisions of section 6 (a) with respect to the issuance and sale by Virginia Public Service Company of $26,000,000 principal amount First Mortgage Bonds bearing interest at 3¾%, due 1972, and $10,500,000 face amount Sinking Fund Debentures, due 1957, in accordance with the terms and provisions of said application as amended, subject to certain terms and conditions more fully set forth in said order; and

Said application having provided that Virginia Public Service Company proposed to invite proposals for competitive

bidding as provided by Rule U-50 of the General Rules and Regulations under the Public Utility Holding Company Act of 1935, and said order having been subject to the condition, among others, that the applicant report to the Commission the results of such competitive bidding and comply with such supplemental order as the Commission might enter in view of the facts disclosed thereby; and

Virginia Public Service Company having made such report to the Commission in the form of a further amendment to the application herein, which amendment sets forth the action taken by said applicant to comply with Rule U-50, and which amendment specifies the proposal which was received for the purchase of said bonds pursuant to said invitation for competitive bids, and which amendment stated that Virginia Public Service Company had accepted the bid for said bonds and debentures made by Stone & Webster and Blodget, Incorporated, Halsey Stuart & Co., Inc., The First Boston Corporation, and Kidder Peabody & Co. on behalf of themselves and approximately one hundred other underwriters, said bid being at a price of 105.65% for said First Mortgage Bonds and at a price of 98.77% for said Debentures, said Debentures to bear interest at 5% per annum; and

Said amendment further stating that said bidders propose to sell said Bonds to the public at a price of 106.75%, making a spread of 1.10 points, and said Debentures at a price of 102% to the public, making a spread of 3.23 points; that of said spread on said Debentures, 2.25 points is to be paid to the dealers, leaving a net amount of 0.98 points for the underwriters; that the total spread proposed to be paid with respect to both said Bonds and Debentures combined aggregates $625,150, or 1.70 points of the total aggregate price of said securities to be realized by said applicant; and

The Commission having examined said amendment and having examined the record, and finding no basis for imposing any further terms and conditions with respect to the issue and sale of said Bonds and Debentures for the price and with the spreads as aforesaid;

It is ordered, That said application pursuant to section 6 (b) of the Act, as amended as aforesaid, be and hereby is granted in regard to the price to the applicant, the spreads to the underwriters, and the distribution thereof applicable to said Bonds and Debentures, subject however to the terms and conditions prescribed in Rule U-24 and subject to all the terms and conditions prescribed by the aforesaid order of May 22, 1942.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-5269; Filed, June 5, 1942; 9:48 a. m.]

[File Nos. 46-205, 59-18]

MIDDLE WEST CORP., ET AL.

ORDER DENYING APPROVAL OF PLAN OF REORGANIZATION, DENYING EFFECTIVENESS TO DECLARATION, ETC.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 4th day of June, A. D. 1942.

In the matter of the Middle West Corporation, Central and South West Utilities Company, and American Public Service Company.

Central and South West Utilities Company and American Public Service Company having filed a joint application and declaration under the Public Utility Holding Company Act of 1935 with respect to a proposed agreement of consolidation of said companies and having designated sections 6 (a), 7, 9 (a), 10 and 11 (g) of the Act as applicable thereto;

The Commission having instituted proceedings pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 by a Notice of and Order for Hearing to determine, among other things, what action or steps, if any, are necessary and shall be required by The Middle West Corporation, Central and South West Utilities Company and/or American Public Service Company to insure that the corporate structures and/or continued existence of Central and South West Utilities Company and American Public Service Company do not unduly or unnecessarily complicate the structure or unfairly or inequitably distribute voting power among the security holders of the holding company system of The Middle West Corporation; and to determine what action or steps, if any, are necessary and shall be required to insure that voting power is not unfairly and inequitably distributed among the respective security holders of Central and South West Utilities Company and American Public Service Company;

The hearing on said joint application and declaration having been consolidated by order of the Commission with the hearing on said proceeding under section 11 (b) (2);

A consolidated hearing having been held; The Middle West Corporation, Central and South West Utilities Company, and American Public Service Company having been represented by counsel; briefs having been filed and oral argument heard;

Central and South West Utilities Company and American Public Service Company having filed an amendment to the joint declaration and application after the matters involved had been taken under advisement by the Commission;

Central and South West Utilities Company and American Public Service Company having filed a motion requesting that the determination of the issues presented by the application and declaration and by the proceedings pursuant to section 11 (b) (2) be deferred for the duration of the war;

The record in this matter having been examined by the Commission, the Commission being fully advised in the premises, and the Commission having this day made and filed its Finding and Opinion herein;

It is ordered, That the motion to defer be and it is hereby overruled;

It is further ordered, That the plan contained in the Agreement of Consolidation be and it is hereby disapproved as a plan under section 11 (e) of the Act, and is hereby denied effectiveness as a declaration under sections 6 (a) and 7 of the Act.

It is further ordered, That the joint application under sections 9 (a) and 10 of the Public Utility Holding Company Act of 1935 and the application for a report under section 11 (g) of said Act be and they are hereby dismissed.

It is further ordered, pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935, that The Middle West Corporation, Central and South West Utilities Company and American Public Service Company terminate the corporate existence of either Central and South West Utilities Company or American Public Service Company and change the present capitalization of Central and South West Utilities Company and American Public Service Company to a capitalization consisting of a single class of stock, namely, common stock, in an appropriate manner, not in contravention of the applicable provisions of said Act or the rules, regulations and orders promulgated thereunder;

It is further ordered, in accordance with paragraph (c) of section 11 of said Act, that respondents shall comply with the preceding paragraph of this order within one year from the date hereof, without prejudice to their right to apply for additional time for compliance with such order as provided in such paragraph; and jurisdiction is hereby expressly reserved to entertain such further proceedings and to make such further findings and to enter such further orders as may be appropriate with respect to any proposal for complying with the next preceding paragraph of this order, with respect to the questions raised by the application and declaration but not determined by the Finding and Opinion herein, and with respect to the other matters raised by the original Notice of and Order for Hearing under section 11 (b) (2).

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary

[F. R. Doc. 42-5271; Filed, June 5, 1942; 9:48 a. m.]

[File Nos. 7-615 to 7-639, inclusive]

PITTSBURGH STOCK EXCHANGE

ORDER DISPOSING OF APPLICATIONS FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES

In the matter of applications by the Pittsburgh Stock Exchange for permission to extend unlisted trading privileges to twenty-five (25) stocks.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 4th day of June, A. D. 1942.

The Pittsburgh Stock Exchange having made application to the Commission, pursuant to section 12 (f) of the Securities Exchange Act of 1934 and Rule X-12F-1, for permission to extend unlisted trading privileges to twenty-five (25) stocks; and

After appropriate notice, a hearing having been held in this matter in Washington, D. C.; and

The Commission having this day made and filed its findings and opinion herein;

It is ordered, Pursuant to section 12 (f) of the Securities Exchange Act of 1934, that the applications of the Pittsburgh Stock Exchange for permission to extend unlisted trading privileges to American Telephone and Telegraph Company $100 Par Capital Stock; Aviation Corporation (Delaware) $3 Par Capital Stock; Boeing Airplane Company $5 Par Common Stock; Consolidated Oil Corporation Common Stock, No Par Value; Continental Motors Corporation $1 Par Common Stock; Goodyear Tire and Rubber Company Common Stock, No Par Value; Interlake Iron Corporation Common Stock, No Par Value; International Nickel Company of Canada, Limited Common Stock, No Par Value; International Telephone and Telegraph Corporation Common Stock, No Par Value; National Biscuit Company $10 Par Common Stock; Northern Pacific Railway Company $100 Par Capital Stock; Pepsi Cola Company $1 Par Common Stock; Southern Pacific Company Common Stock, No Par Value; and Standard Brands, Inc. Common Stock, No Par Value, be and the same are hereby approved.

It is further ordered, That the applications of the Pittsburgh Stock Exchange for permission to extend unlisted trading privileges to Gimbel Brothers Incorporated Common Stock, No Par Value; Loew's, Incorporated Common Stock, No Par Value; National Dairy Products Corporation Common Stock, No Par Value; North American Company $10 Par Common Stock; Pressed Steel Car Company Incorporated $1 Par Common Stock; Sears, Roebuck and Company Capital Stock, No Par Value; Southern Railway Company Common Stock, No Par Value; Studebaker Corporation $1 Par Common Stock; Timken Detroit Axle Company $10 Par Common Stock; Walworth Company Common Stock, No Par Value; and F. W. Woolworth Company $10 Par Capital Stock, be and the same are hereby denied.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-5270; Filed, June 5, 1942; 9:49 a. m.]